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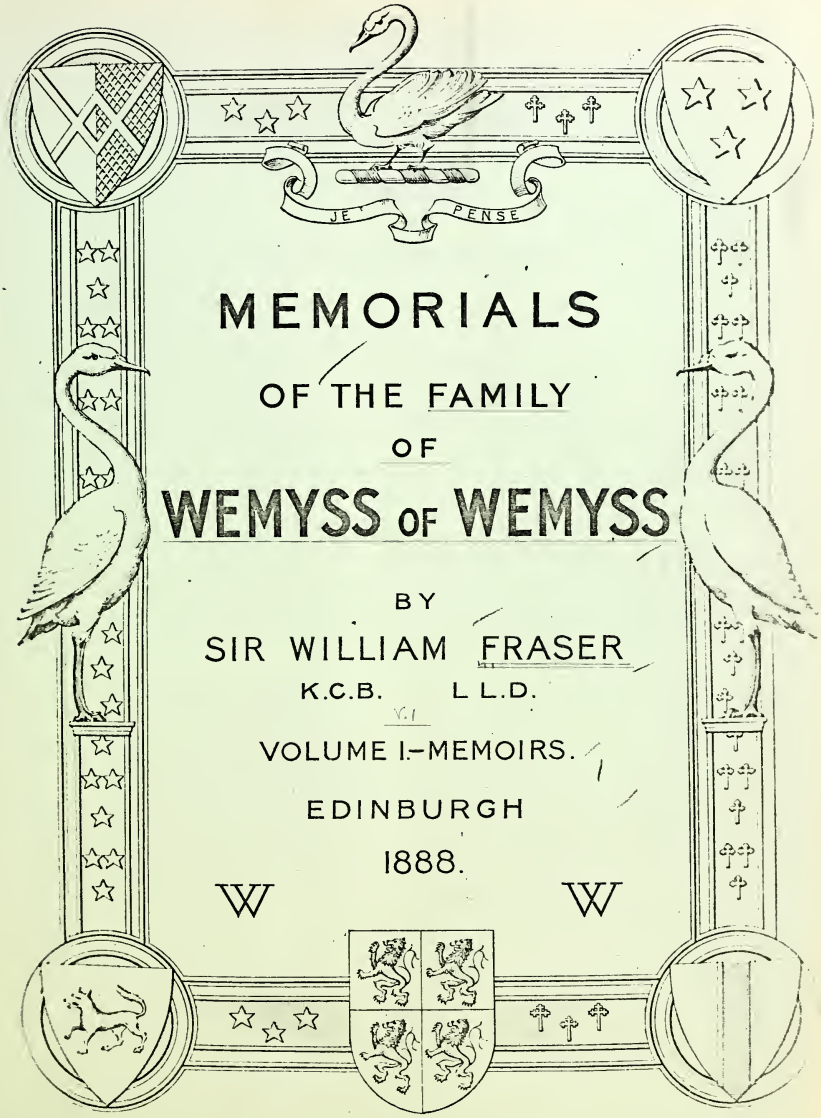

MEMORIALS

OF THE FAMILY OF

WEMYSS OF WEMYSS

BY

SIR WILLIAM FRASER

K.C.B. L.L.D.

VOLUME I.—MEMOIRS.

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INTRODUCTION

THE ORIGINAL WEMYSS ESTATES.

THE History of the ancient family of Wemyss of Wemyss is so closely associated with their baronies of Wemyss and Methil that a short account of those baronies seems a fitting Introduction to the History of their owners.

The estate of Wemyss, or Wemyss-shire, as it was anciently called, derives its name from an unusual number of caves which are found along the seashore within its bounds, the Gaelic for cave being *Uaimh*. The name Wemyss-shire appears originally to have comprehended all the parish of Wemyss previous to the annexation of the separate parish of Methil; though at a later period the designation was limited to the estate of West Wemyss. Besides these estates of Wemyss-shire and Methil the lairds of Wemyss, at an early date, acquired other lands in Fife and other counties. One of the most important of these was the eastern half of the lands of Lochoreshire, including Wester Raith, Powguild, Glenniston, Balbedie, Capildrae, and Strathruddie, which apparently were acquired by marriage with one of two co-heiresses of Sir David Lochore, the other half being acquired by the family of Valance of Inchgall. The lairds of Wemyss had also lands in Perthshire.

In the middle of the fourteenth century, on the death of Sir Michael Wemyss, the fifth known laird of Wemyss, his whole estates were divided between his three daughters as his co-heiresses. They married respectively into the families of Inchmartin of Inchmartin, Boswell, afterwards of Balmuto, and Livingstone of Drumry, and carried their several portions of their father's estates to these families. All Sir Michael's estates appear to have undergone a division into three parts, and the representatives of the families mentioned above frequently occur at later dates as co-proprietors. Wemyss-shire, although parcelled out in the same manner, ultimately fell to be divided between two of these families. The Inchmartin heiress and the Boswell heiress, if not in their own persons at least in the persons of their descendants either of the next or of the third generation, appear to have arranged an exchange so that the former should obtain the latter's third of Wemyss in place of her share of the Lochoreshire lands. Hence at the beginning of the fifteenth century the representatives of the Inchmartin heiress appear in possession of two-thirds of Wemyss-shire, but of no lands in Lochoreshire, while the Boswells appear with a large portion of Lochoreshire, and no part of Wemyss-shire. Or to put it otherwise, Wemyss-shire is shared between the representatives of the Inchmartin heiress and Livingstone of Drumry, and Lochoreshire is shared by the Boswells and Livingstone of Drumry, while all three possessed rights over the lands of Methil and Cameron.

Dealing primarily with the Wemyss estate we find it at the beginning of the fifteenth century in the possession of two families. The eldest co-heiress of Sir Michael Wemyss, who married Sir John Inchmartin of Inchmartin, left an only daughter, Isabel, who married Sir Alan Erskine. He in her right became lord of Inchmartin. They left two daughters co-heiresses of Inchmartin and Wemyss. The elder, Margaret Erskine, became lady of Inchmartin, and married

Sir John Glen of that ilk, while the younger, Isabel Erskine, married Sir John Wemyss of Reres, the heir-male of the family, and continued the family of Wemyss of Wemyss. Sir John Wemyss and his wife occupied not only their own share of Wemyss, but by arrangement also that of the elder sister Margaret, and in the course of several generations, the descendants of Sir John Wemyss of Reres and Isabel Erskine acquired the rights of the elder co-heiress, Margaret Erskine or Glen, to those lands which they held as tenants, their occupation extending over two-thirds of the original Wemyss-shire.

The other occupier of the Wemyss estate was the family of Livingstone of Drumry. The Livingstones appear to have entered on possession of their portion, which was the remaining third of Wemyss-shire, immediately after the partition. The march between the two estates was definitely settled in 1428 by agreement between the respective lairds; and their several portions were thenceforward distinguished as East and West Wemyss.

THE BARONY OF EAST WEMYSS.

In 1508 King James the Fourth erected the lands of East Wemyss, and part of Lochoreshire, into the BARONY of EAST WEMYSS, with the manor of East Wemyss as the principal messuage, in favour of Sir Robert Livingstone of Drumry. His daughter and heiress, Margaret Livingstone, lady of East Wemyss, married Sir James Hamilton of Finnart, and they in 1530 exchanged East Wemyss with James Colville of Ochiltree, ancestor of Lord Colville of Culross, for his barony and castle of Ochiltree in Ayrshire. The barony of East Wemyss consisted of the lands and mains of East Wemyss, Kirktoun, Windyedge, Harlaw, and Buckhaven, in the parish of Wemyss, also Balgregie, Bowhill, Balgonie, Spittal, Cartmore, Dundonald, Strathruddie, Pitcanie, and Muirtown, in property, with Balbedie, Capildrae,

Pitcairn, Easter and Wester Coilquhailze, Little Pitcanie, Sillytoun, Wester Raith, Powguild, and Glenniston, in tenandry. The Colvilles held the barony of East Wemyss for a century, and sold it in 1630 to John, Lord Wemyss of Elcho, afterwards first Earl of Wemyss.

THE BARONY OF WEMYSS.

In 1511, three years after the erection of the barony of East Wemyss, the lands of West Wemyss also were, by King James the Fourth, erected into the BARONY of WEMYSS in favour of Sir David Wemyss of that ilk. The separate lands in West Wemyss are not particularised in that charter, but are all included in the one name Wemyss-shire. Besides these lands there were included in the barony then erected lands outside the parish of Wemyss, both near and remote. These were Little Lun, Tillybreak, Cameron-mill, and Duniface, in the parish of Markinch, the Haugh in the parish of Scoonie, Pitconnochie in the parish of Dunfermline, Wester Tarvet in the parish of Ceres, Wester Dron and Hilldron in the parish of Leuchars, all in Fife; also Elcho and Balhepburn in the parish of Rhynd, a third part of Strathardle, half of Ardargie, and lands of Kinnaird in Perthshire, with Balhall in Forfarshire. The castle of Wemyss was ordained to be the principal messuage of the barony of Wemyss, and the haven town of Wemyss (Wester Wemyss), with other three towns, the Kirkhill of Kirkmichael, Ballinkillie, and Ballynald, in Strathardle, were erected into free burghs of barony, with the usual rights and privileges.

In 1589 King James the Sixth confirmed the barony of Wemyss in favour of John Wemyss, eldest son of David Wemyss of that ilk, enlarging the same by incorporating with it other lands acquired by the family since the former erection of the barony in 1511. These were the lands of Wester Raith, Powguild, and Glenniston, in the

parish of Auchterderran, half of the lands of Maw in the parish of Markinch, and the lands of Colliston, and to these was added for special reasons the patronage of the parish church of Kirkmichael in Strathardle. The same subjects were included in the crown charter of the barony granted by King James the Sixth in 1605 in favour of David Wemyss, eldest son of Sir John Wemyss. In 1632 there was a new erection of the barony of Wemyss by King Charles the First in favour of David, Master of Wemyss, afterwards second Earl of Wemyss, when there were added to the former barony some of the lands since acquired, viz., the mains and grange of Elcho, including the Cottarland of Wester Elcho, with fishings, teinds, and the bailiary of the whole possessions of the monastery of Elcho.

THE BARONY OF METHIL.

Besides the baronies of Wemyss and East Wemyss just described, there was also the BARONY of METHIL. The lands of Methil and the adjacent lands of Cameron had both belonged to Sir Michael Wemyss before the partition among his co-heiresses, and hence, at the close of the fourteenth century, these lands were held in joint property by the representatives of Sir Michael's three daughters. David Wemyss, the son and heir of Sir John Wemyss of Reres and Isabel Erskine, generally styled himself lord or laird of Methil, and he received a charter of these lands in 1424 to himself and his wife on their marriage, from Henry Wardlaw, then bishop of St. Andrews. This points to an arrangement with the other co-proprietors, by which the sole property of Methil became vested in the family of Wemyss. In 1572, John Douglas, archbishop of St. Andrews, erected the lands of Methil into a barony, called the barony of Methil, which included, besides the lands of Methil, those of Hill and Pirny, also the superiority of Caldcoits or Innerleven, and of two parts of Little Kilmux, with the

patronage of the parish church of Methil, also the office of bailie of the river and loch of Leven, with the duties pertaining thereto, sasine of the whole to be taken upon the lands of Methil.

THE THREE BARONIES INCORPORATED INTO ONE BARONY OF WEMYSS IN 1651.

These three baronies, after the acquisition of East Wemyss, comprehended the whole property of the family of Wemyss of Wemyss. Their several contents had by this time undergone slight modifications by sales and otherwise, but substantially they stood as originally erected, and David, second Earl of Wemyss, proposed to incorporate the three into one. By the Act of Parliament passed in 1633, annexing the superiority of the church lands to the Crown, a difficulty in respect of Methil, which had lain in the way of this step being taken, was removed, for it, like the other two baronies, was now held of the Crown as superior in place of the See of St. Andrews. Hence, in 1651, shortly after the coronation of King Charles the Second, David, second Earl of Wemyss, obtained a charter of all the three baronies of Wemyss, East Wemyss, and Methil, with certain other lands, which by this charter were erected into one barony of Wemyss, with the tower, fortalice, and manor-place of Wemyss as the principal messuage of the whole. This charter was ratified by the king and parliament in 1661 after the Restoration. For a time after this event the barony of Methil became again a separate holding. The reinstatement of the bishops and episcopacy necessitated the revocation of the Act of 1633, at least in a great degree. Consequently in the Crown charters of Wemyss obtained in 1671 and 1673, Methil was not included. There were separate charters of it from Archbishop Sharp, who, in 1662, erected the town of Methil into a burgh of barony. But this separation was only tem-

porary. After the Revolution another Act similar to that of 1633 was passed in 1690, and so in 1711, when the next Crown charter of the lands was granted, in favour of David, third Earl of Wemyss, the three baronies with other lands were included in one holding from the Crown. They were not reincorporated into one barony, but it was ordained that one sasine taken at the manor-place of Wester Wemyss, or upon any part of the ground of the said barony of Wemyss, should suffice for all. The same remarks apply to the Crown charter of resignation obtained by the Hon. James Wemyss of Wemyss in 1756, in terms of the entail made by his father James, fourth Earl of Wemyss, and no later reincorporation of the various baronies and lands has since been made.

THE BARONY OF ELCHO.

In treating of the barony of Wemyss mention has been made of the lands of Elcho, which formed part of that barony. These lands were an important and valuable possession of the family. They were originally a lordship or barony in the parish of Rhynd, Perthshire, bordering the river Tay for several miles on its southern shore, and associated with them were valuable salmon-fishings on that river. Possessed by the family of Inchmartin of Inchmartin, the lands of Elcho, like the Inchmartin and Wemyss estates, were divided between the two daughters of Isabel Inchmartin or Erskine, Margaret Erskine or Glen, and Isabel Erskine or Wemyss. The elder daughter's portion was afterwards sub-divided among her three daughters and co-heiresses, from whose representatives, Sir John Wemyss of Wemyss, the grandson of the younger daughter, acquired their rights by exchange and otherwise, and about 1460 became sole possessor of the lands of Easter or Wemyss Elcho, with the castle of Elcho.

The other portion of Elcho was possessed by a convent of Cistercian nuns, who had a monastery on the western part of Elcho, with

certain lands attached thereto. Probably the ancient barony of Elcho included both east and west portions; and as the Wemyss family thus possessed only part of it, they incorporated their Elcho lands with the barony of Wemyss, under the charter of erection by King James the Fourth in the year 1511. Prior to the Reformation the laird of Wemyss acted by appointment as heritable bailie to the nuns of Elcho, and aided them in several ways when they suffered from the invasions of the English. In repayment of some of their obligations they leased to him certain of their monastery lands, which afterwards became the property of the Wemyss family, and were added to the barony of Wemyss in the renewed charter of the barony of Wemyss, by Charles the First, in 1632. All that remained in the hands of others was the monastery itself and its garden, with a few pertinents, which were acquired by the neighbouring proprietor, Moncrieff of Moncrieff. The monastic building was allowed to go to ruin, and in this condition it was purchased at a later date by David, second Earl of Wemyss, so that by his time the whole of the barony of Elcho was in the possession of the family of Wemyss of Wemyss. Like the other Wemyss baronies, Elcho would probably have been inherited by the present family of Wemyss of Wemyss; but in order to relieve the estates from the burden of the forfeiture of Lord Elcho in 1746, the barony was sold by James, fourth Earl of Wemyss, to his second son, Mr. Francis Charteris Wemyss, for £8500 sterling, and has been inherited by his lineal descendant, the present Earl of Wemyss and March.

THE ESTATE OF PENSHIEL.

Besides the baronies of Wemyss, Methil, and Elcho, the Wemyss family were at one time in possession of the estate of Penshiel, in the parish of Whittinghame and county of Haddington. It extended over part of the Lammermuir range of hills, and was held by John of

Methil and Wemyss, the second proved ancestor of the Wemyss family, from the Earls of Dunbar, who were the feudal superiors. There was a castle or fortalice on the estate of Penshiel. This estate, so far as is known, was only a short time in the possession of the family, as John of Methil himself granted considerable portions of it to the monks of Melrose, those of the Isle of May, and others. The several charters granted by John of Methil, as owner of Penshiel, in favour of the abbey of Melrose and others, are still preserved in the great collection of Melrose charters, and will be found fully described in his memoir. These charters, with translations, are printed after the Abstract of the Wemyss Charters in volume second of this Work.

THE RESIDENCES OF THE FAMILY OF WEMYSS.

The present, though not the earliest, baronial manor of the family of Wemyss of Wemyss is the castle of Wemyss, near the burgh of West Wemyss. It occupies a picturesque and commanding position on the summit of a cliff about forty feet in height, the base of which at flood tide is covered by the waters of the Forth. The castle is a large, magnificent, and comfortable building, and with its surroundings of rock, wood, and water scenery, affords to the eye a picture of rare and charming beauty. "The whole," says the writer of the Statistical Account, "forms a most delightful romantic spot, the sight of which could not but amply compensate the admirer of the picturesque, even although he had gone a journey of twenty or thirty miles for the sole purpose of visiting this terrestrial paradise."[1] The first barons of Wemyss, however, appear to have resided at their old manor, situated a little to the east of the village of East Wemyss, now represented by the old ruined fabric, commonly called Macduff's Castle, from the tradition that here the redoubtable Thane of Fife had one of his strongholds in the eleventh century.

[1] Account of the Parish of Wemyss by the Rev. John M'Lachlan, in Statistical Account, 1845, vol. ix. p. 393.

"MACDUFF'S CASTLE" AT EAST WEMYSS.

Modern research has proved the so-called Thane Macduff of the eleventh century a fabulous personage, though he probably had his true counterpart in Gillemichel Macduff, the first known Earl of Fife of that name, who flourished in the reign of King David the First, a century later. But apart from this there is no improbability in the tradition that here the Earls of Fife had a powerful maritime fortress. They were the superiors of the lands, and the site of this fortress is such as would commend itself to the military engineer of the mediæval day. It is an isolated and steep rocky eminence, rising from the water's edge almost abrupt to the height of a hundred feet, and commanding a survey both of the wide Firth of Forth, and far inland, having the additional protection of strong natural caves beneath. If, then, the Earls of Fife had a castle here, the present ruin is probably the remains of that castle, or, at least, of its successor, which was occupied by the lairds of Wemyss as their manor prior to the partition of the estates in the middle of the fourteenth century. Before that time, there is never mention made of more than one manor-house of Wemyss. In the nature of things there could not be two, and the following considerations lend countenance to the belief that it was in their castle at East Wemyss the earliest lairds of Wemyss dwelt and held baronial sway for about two centuries. Tradition points strongly to the existence of an early castle at East Wemyss, while in close proximity to its site is the church of the ancient parish of Wemyss, and the burial aisle of the family. Then nestling closely under the castle walls was the village of East Wemyss, probably the old Castleton of Wemyss. And besides this, the site of East Wemyss is not only the central point of the united estates of Wemyss and Methil, but it is also the most commanding, while naturally one of the safest positions for such an erection along the entire seaboard of the parish.

With the partition of the Wemyss estates the old castle passed into the possession of the Livingstones of Drumry, who married one of the younger of the three co-heiresses of Sir Michael Wemyss of Wemyss. They obtained the eastern portion of the estate of Wemyss, on which the castle stood, and it remained with them until 1530, when it became the property of the Colvilles, who sold it in 1630, with the estate, to John, first Earl of Wemyss. This earl, as if rejoicing in the re-acquisition of the ancient stronghold of the family, made it his residence for some time during the remaining period of his life. But his son David, second Earl of Wemyss, preferred the castle of West Wemyss, though his first wife Anna, Lady Elcho, died at East Wemyss. Probably he made it an occasional residence, as on his marriage to Lady Margaret Leslie he gave it to her as part of her jointure, and apparently as her dwelling if she survived him. In 1666, Lady Jean Wemyss, Countess of Sutherland, wrote from Dunrobin, asking her father to allow her children to reside in the castle of East Wemyss for a time if the plague should break out in Edinburgh as it was feared it would. This shows that the castle was habitable up to the close of the seventeenth century. But after that it appears to have been allowed to go to ruin and decay, all that now remains being two square towers, with portions of the walls and foundations.

THE PRESENT CASTLE OF WEMYSS.

After the partition of the estates the owners of the Wester Wemyss would require a castle befitting their rank. As already stated, Margaret Wemyss, the eldest of the three co-heiresses of Sir Michael Wemyss, inherited the western portion of Wemyss-shire, and married Sir John Inchmartin of Inchmartin. But her husband had his own residence of Inchmartin in the Carse of Gowrie, and they would probably prefer it

to erecting a new residence at Wemyss. So also their only daughter and heiress, Isabel Inchmartin, would continue to prefer her paternal roof; and her husband, Sir Alan Erskine, in her right was lord of Inchmartin. Their two daughters and heiresses, Margaret and Isabel Erskine, had each to be provided with a mansion, and naturally attention would then be turned to Wemyss as a suitable residence for the younger.

Meanwhile the Livingstones held possession of the manor, which, as stated, stood upon their portion of the estates. Their right to do so, however, was challenged in 1425, by Margaret Erskine, who had married Sir John Glen of Glen and Balmuto, and was styled lady of Inchmartin. Infeftment was to be taken on a certain day in that year in the manor of Wemyss by Robert of Livingstone, and on that day Margaret, lady of Inchmartin, sent her squire and a notary to protest against the infeftment, and to break and revoke the sasine of Livingstone in the customary way. Sasine was given to Livingstone by John of Lumsden, sheriff of Fife, and then the squire entered the mansion to perform his part. He was met by Livingstone in the porch and ordered to leave. The squire, however, declined to do so on mere words, so he was forthwith ejected by force, and discharged the functions committed to him outside. This step was taken by Margaret Erskine or Glen, as elder heir of line of the family of Wemyss, to whom legally the manor-place, as an impartible subject, belonged. The holding of it by the Livingstones was an anomaly. In the circumstance of the eldest co-heiress having another residence at Inchmartin, the Livingstones had been tacitly allowed to take possession of the castle after the partition, as it stood on their lands. But some arrangement was probably made between parties at this juncture, whereby Livingstone retained the manor-place of East Wemyss.

Sir John Wemyss of Reres, as formerly stated, married Isabel Erskine. This marriage had for its object the restoration and continua-

tion of the family of Wemyss of Wemyss, for the agreement evidently was that the estates of Isabel Erskine or Wemyss should descend to her own children. This necessitated the erection of a local habitation, and it is therefore highly probable that it was Sir John Wemyss of Reres, the restorer and continuator of the family, who founded the present castle of West Wemyss, as a residence for himself and the family of his second marriage. Further, Sir John Wemyss of Reres was the first to begin the work of reacquiring the divided portions of the Wemyss estate and of reconsolidating it. His own estates of Reres, etc., were in a flourishing condition, and he had built his castle of Reres as a crowning operation in 1392. He had thus opportunity of turning his attention to the estates of his wife. That he had a residence at Wemyss before 1423 is proved from the dating of a document there by David Wemyss, the eldest son of himself and Isabel Erskine, at "The Wemyss" in that year; and later agreements between this David, when laird of Wemyss in 1428, and Livingstone of East Wemyss, establish the fact that by that time both Wemyss and Livingstone had their own respective manor-houses at West and East Wemyss.

On the archway leading into the court of the old portion of the castle there is an antique armorial stone. A shield is carved upon it bearing quarterly four lions. These are still distinct notwithstanding their antiquity. The shield is surmounted by a helmet, on which is a crest, apparently an eagle with wings displayed. On the dexter side of the stone, close to the shield, there are two letters D of antique shape, one above the other, and on the sinister side are other two letters V, one above the other. The first letter D is not so distinct as the second, being partially defaced. The other letters are quite distinct. These initial letters probably represent David Wemyss of Wemyss and his son David. The former obtained the erection of the barony of Wemyss in 1511, and fell at Flodden in 1513. His son David then succeeded him in the barony. This armorial stone

may thus be assumed to have been placed in the castle in the time of these two lairds of the name of David. Surrounding the armorial stone is a broad margin in Gothic semi-circle, on which is placed the date 1421. This corroborates the conclusions which have been arrived at as to the building of the castle. But as the date is in Arabic figures, and not in Roman numerals, it cannot have been placed where it now is in the year named. The figures, however, may represent the inscription on a more ancient stone which had become defaced, and may thus record a correct tradition as to the original founder of the castle.

The site of the present castle of West Wemyss is such as to make it a conspicuous rival to the castle of East Wemyss, and it was probably so intended by Sir John Wemyss of Reres. The designation of the castle was at first that of "The Wemyss," and sometimes the "Manor of the Wemyss." It is first called a castle in the charter erecting the lands into a barony in 1511. But popularly, and even by the lairds and Earls of Wemyss themselves, the castle was rarely styled otherwise than as "The Wemyss," "Wester Wemyss," or "The Hall of the Wemyss," though from its position and character the mansion of West Wemyss has always, to all intents and purposes, been a baronial castle.

The older portion of the castle was built upon a spur of the rocky cliff which faces the sea a short distance to the east of the burgh of West Wemyss. It was adapted to the form of the rock, which was precipitous on three sides, the south, east, and north. On the east and north was a narrow gorge, now filled up, but which in former times was not improbably occupied by the sea at high tide.

Originally the castle consisted of two storeys, one of these partially sunk, and the buildings took the form of an irregular rectangle, with towers at the corners surmounting the cliff, the north-west corner, near which the entrance was, being built with vaulted chambers, as

if to strengthen this its most vulnerable part. An arched way, six feet wide and seven feet high, led into a central uncovered court-yard, from which access to all other parts of the castle was obtained. Some of the lower chambers were hewn out of the rock, while a tunnel, also cut out of the rock, afforded a concealed passage to the foot of the cliff at the sea. From this subterranean way at the north side, entrance was had to the bottle dungeon of the castle, which was situated at the foot of the north side of the cliff, and separate from the castle. This dungeon, employed for the safe custody of criminals, was lighted by an aperture from above. It is now converted into an ice-house. In a vaulted chamber below the grand hall of the castle is "the well," which had been excavated in the rock to a depth of sixty-two feet. A recent inspection showed that there was twelve feet of water in it.

From time to time the original building has been altered and added to. Doubtless in its early history much was done in this respect of which no record remains. Either by David, second Earl of Wemyss, in his earlier life, or more probably by some of his predecessors, the height of the castle was raised to four storeys in a plain style of architecture, but the height of the older building is marked out by the corbelled battlement all round both the main building and towers. The same earl, in 1670, made large additions. He at first proposed to Mr. Robert Milne, master mason in Scotland to King Charles the Second, to replace the old castle by a new one, which was to measure eighty-three feet in length, be four storeys in height, and to have thirteen doors and thirteen chimney-pieces. But on further consideration the earl allowed the old building to remain, and added two wings on the west side, one of a hundred and seventeen feet in length by twenty-eight feet in breadth, and the other, on the north, of thirty-seven feet in length by twenty-six feet in breadth, both rising to the height of four storeys, in order to range with the battlement of the old hall. Earl David appears to have had the ceilings of the

rooms added by him decorated by skilled artists, probably Italians, who were famed for their art in this respect, and these ceilings still remain intact. The building and masonry of these additions cost upwards of £300 sterling, and nearly £400 more were expended in purchasing lead for the roof, which had to be brought from Newcastle.

These additions by Earl David were built to the west of the old castle, with a staircase entrance from the south between the old and new portions. The style was plain, and the appearance of this portion of the castle has been greatly enhanced by the recent addition on the seaward side, by Mrs. Erskine Wemyss, of a balcony of stonework, about seven feet wide, on a series of stone arches and massive pillars.

David, third Earl of Wemyss, also added to the beauty and grandeur of the castle, by enclosing a beautiful bowling-green to the west of the castle with a strong castellated wall, on which he mounted several cannon. His son, James, the fourth earl, also put the castle into a state of proper repair shortly before his death in 1756.

General Wemyss of Wemyss, grandson of the fourth earl, made additions, and built the stables, which are of a classic style of architecture. Gradually the gorge on the north and east side of the old castle had been filled up to a considerable extent, and lawns and terraces were formed. The General built here a retaining wall, leaving only a cartway from the beach to the level of the lawns; but this cartway has since been filled up also. Admiral Wemyss, the son of the General, also added some improvements; and his son, the late Mr. Hay Erskine Wemyss, not only had the lawns and terraces more beautifully laid out, but continued the embattled walls on the terrace westwards which David, third Earl of Wemyss, began. He also built a dairy, etc., in the form of a baronial tower, three storeys high, with lower wings, all of native red stone, and situated to the north of the older portion of the castle.

After his death, Mrs. Erskine Wemyss, with the co-operation of

her son, the present laird of Wemyss, built a new saloon and entrance hall facing the north, between the arched entrance of the old castle and the northern wing added by David, second Earl of Wemyss. This saloon is seventy-two feet long by twenty-two feet wide and twenty-six feet high. It is floored with wainscot, the walls being panelled with oak to the height of thirteen feet, and at either end are carved oaken chimneys. The communications with the corridor of the castle are filled in with oaken balustrades, having carved pilasters and cornices. The ceiling is panelled with heavy plaster mouldings, and beneath the cornice is a deep frieze which encircles the room. Above the saloon there is another storey, consisting of bedrooms, and at its eastern end stands the clock tower. The saloon wall is surmounted by an embattled parapet, which is extended to embrace the whole front.

The interior arrangements of the castle have been greatly improved by Mr. Wemyss. The great hall of the old castle had in process of time been altered to form apartments for servants, the large area being partitioned off into small rooms. This, however, Mr. Wemyss has restored to its original condition, and in the process of demolition of the wood and plaster partition work, some of the old carvings which had adorned the ancient hall were discovered. No inscription, however, was found, nor anything which would indicate the date of the erection. He has also considerably added to the amenity of the gardens and grounds.

ROYAL VISITS TO WEMYSS CASTLE.

Royal visits to Wemyss have not been unfrequent. In the month of March 1304 King Edward the First of England passed a day and a night there as the guest of Sir Michael of Wemyss, grandson of the first Michael of Wemyss, and from what has been said, it must be inferred that it was the old castle of East Wemyss which had the

English king for its guest. Its hospitality was but ill-requited, when, shortly afterwards, Edward gave command for its destruction. On Bruce, in 1306, taking the field against Edward, the knight of Wemyss joined the patriotic band, and the English king, enraged at his desertion, issued orders for his manor to be burned, his lands and goods destroyed, and his gardens stripped bare. Probably the castle was demolished during the short-lived triumph of the English troops in the Lowlands. It must, however, have been rebuilt before 1330, for here also it would be that Sir Michael of Wemyss entertained Randolph, Earl of Moray, while regent of Scotland, when, as some say, he was poisoned through the wiles of an English monk, although the story is unworthy of much credit. Some who have made the architecture of Fifeshire castles and mansions an object of special study are of opinion that the remains of the castle of East Wemyss date their erection no further back than the fourteenth century, which accords with the destruction of the former edifice in the beginning of that century, and the rebuilding of another on the same site during the reign of King Robert the Bruce.

The present castle of Wemyss has been much more highly honoured in the matter of royal visits than the more ancient manor. Here the Dowager Queen Mary of Guise rested one day in August 1548 while on her way from St. Andrews to Edinburgh. Here, too, her daughter Mary, Queen of Scots, first met, in February 1565, her future husband, Henry, Lord Darnley, and those first impressions were made which resulted in their marriage. A memorial of this visit still remains at Wemyss Castle, in the form of a sculptured medallion of the head of Queen Mary, which was inserted in the front wall of the castle to commemorate the event. The young queen was visiting throughout Fife at the time, and her presence, remarks John Knox, so raised the price of wild fowl, that partridges were sold at a crown a piece.

On the occasion of the marriage of King James the Sixth to

Princess Anna of Denmark, she was accompanied to Scotland by a number of her countrymen as ambassadors from her father, who were, at the king's request, entertained at Wemyss, with the hospitality befitting their high state, and they passed a night there on 11th May 1590. In the following year King James himself honoured the castle with his presence. Twice, too, his royal grandson, King Charles the Second, accepted its hospitable fare and shelter during the short period of his stay in Scotland in 1650 and 1651. After he landed at Speymouth he journeyed southwards, and on his passage through Fife, on 12th July 1650, received and accepted an invitation to dine at the castle. Seven months later, he rode through Fife from Stirling to inspect the fortifications of the Forth, and again on that occasion accepted the shelter and hospitality of his loyal subject, David, second Earl of Wemyss, spending there the night of the 13th February 1651.

Other reminiscences of the castle of West Wemyss connect it with the unfortunate William, Earl of Gowrie, who, in 1582, was the prominent actor in the Raid of Ruthven. The laird of Wemyss at that date had married an aunt of the earl, who, when he contemplated leaving Scotland in 1584, confided to the laird a number of coffers or chests containing valuables. Some of these were deposited in the castle of Elcho, and when Gowrie was taken prisoner and executed, orders were issued to the laird to give up his charge. The goods in Elcho seem to have been gallantly defended by his servants. A nearly contemporary historian, however, records that other coffers deposited in West Wemyss were discovered and plundered. These belonged to Lady Gowrie, and their destruction tended to the "augmenting of her greefe."[1] The castle of Wemyss was also one of those houses to which the Earl of Gowrie was taken after his capture at Dundee, on the way to Edinburgh. The laird, or his son, seeing their kinsman a prisoner and fearing his fate, offered to convoy him away and secure his escape,

[1] Calderwood's Historie of the Kirk of Scotland, vol. viii. p. 268.

but the earl refused. This led to the belief that the earl connived at his own capture, hoping for mercy from the king, which he did not obtain. It was probably from Wemyss that the earl was brought by sea to Edinburgh.[1] In 1591 the castle was the scene of a romantic episode, in which a daughter of the same Earl of Gowrie was a principal figure. She was then residing in the Wemyss, being, it is said, guarded there from the attentions of Ludovic, second Duke of Lennox, who wished to marry her, notwithstanding the king's opposition. However, on 19th April 1591, Lennox sallied over the Firth and carried off the young lady, whom he married the next day, much to the royal displeasure.[2] Their union had no issue.

ELCHO CASTLE.

Another castle, which was long in the possession of the family of Wemyss of Wemyss, is deserving of mention. Elcho Castle, on the southern shore of the Tay, about four miles below Perth, and situated in the parish of Rhynd, in the county of Perth, was frequently a temporary residence of the lairds and Earls of Wemyss, as owners of the lands of Easter or Wemyss Elcho, and also as heritable bailies of the lands of Wester Elcho. It was habitable and inhabited up to the time of Countess Margaret, in 1700, and her son David, third Earl of Wemyss, and though now in a ruinous condition, has been maintained in a state of fair preservation by its present proprietors. From its lofty battlements an extensive view of the Tay and the Carse of Gowrie may be obtained. It passed with the lands, in 1749, into the possession of the ancestor of the present Earl of Wemyss, whose property it now is.

[1] Calderwood's Historic of the Kirk of Scotland, vol. iv. p. 24.

[2] *Ibid.* vol. v. p. 128. Calderwood styles the lady "Lady Jeane Ruthven," but her name appears to have been Sophia.

THE CAVES OF WEMYSS.

The name by which the original dwelling-place or manor of the family is known in the earliest documents of the family is simply "The Wemyss." This name is peculiarly appropriate to the castle of East Wemyss, beneath the foundations of which there are either one or two caves, with which, doubtless, in earlier days, there was an underground connection. The rocky coast-line of the Forth from the village of East Wemyss eastwards towards Buckhaven is honeycombed by a number of caves, the clustering of which at this point gave rise to the locality being known as "The Wemyss," in contra-distinction to more solitary caves of a like description at other spots along the southern shore of Fife. One such cave at Dysart, which tradition avers was used as a retreat by St. Serf, and which in ecclesiastical speech was termed the *desertum*, is believed to be the origin of the name Dysart. So the lands of Wemyss obtained their distinctive appellation, and the castle dwelling, rearing its head thus right over the caves, and, as suggested, connected with them, not inappropriately also received the name.

The number of the original Wemyss caves is not now easily ascertainable, as it is not improbable that in the long period of their existence some have had their entrances blocked up by landslips or otherwise, and thus been concealed. Nine caves are still accessible, and within the present century these have become objects of interest to archæologists, both on their own account and because of the sculptured markings on their walls. Only one of the nine is situated to the west of the old castle of East Wemyss. This is called the Glass Cave from its having been utilised as a manufactory for glass, not only by David, third Earl of Wemyss, who, in 1698, obtained an Act of Parliament giving him and others a monopoly of the making of certain kinds of glass, but also as early as 1610, when Sir George Hay, lord clerk register, after-

wards Earl of Kinnoull, established such a manufactory there. It was the earliest work of the kind in the country, and was at first carried on by Sir George Hay on a very unremunerative footing, for in a letter to King James the Sixth in 1619, certain of the Privy Council say he (the Clerk Register) has found by experience that all the country despatch of his glass in a whole year will not uphold his glassworks the space of one month. The works were still active in 1621, as in that year, after making trial of the glass and inspection of the works as to their adequacy for supplying the needs of the country, without having recourse to the importation of foreign glass, the Privy Council granted a monopoly of the making of glass to these works at Wemyss on certain conditions.[1] In the Wemyss family papers mention is made of the "Glesse Cove" about 1648, but there is no reference to the manufacturing of glass then, so that probably by that time the work had been stopped.

The cave next to the eastwards, that under the castle of East Wemyss, has received the name of the Court Cave, and two explanations of the name have been offered. One is, that the lords of East Wemyss, the Livingstones or Colvilles, or both, held here their baronial courts. The other is an alleged incident in the life of King James the Fifth, who, in one of his wanderings, passed this way and found a band of gipsies in the cave drinking and making merry. On their invitation he joined them in their hilarity. This afterwards degenerated into quarrelsomeness, and the king interposing in the character of peacemaker, brought upon himself the wrath of both sets of antagonists. To save himself from rough usage he was obliged to declare himself, and the cave in consequence got the ironical name of the Court Cave. Of the two explanations the former has the more plausibility, as it is scarcely probable this cave would be the resort of gipsies while the castle above was inhabited.

[1] Chambers's Domestic Annals of Scotland, vol. i. pp. 510, 511.

In close proximity to the Court Cave is the Castle Cave or Well Cave, obtaining the former name from the belief that it was connected with the castle above it, and the latter from a well in the north-west corner of it, the water of which was famed as a specific for jaundice. Hither, on old Handsel Monday, the young men and maidens of Wemyss were wont to repair, with lights, keeping up an old custom, the meaning of which has been forgotten.

Several other caves are said to have been utilised as *columbaria* or dovecots, and the two next in order are named from this circumstance the West and East Doocot caves. The first of these is nearly circular in shape, measuring about ninety feet in length by seventy in the widest part.

Immediately to the east of these two is a cave of an irregular shape, about seventy feet long by twenty-seven feet broad. It is called Jonathan's Cave, from a man of that name having resided there with his family for some time.

Next to Jonathan's Cave is the "Sloping Cave," so called from the effects of an accidental landslip, by which the entrance has been partially blocked, while the debris forms an inclined pathway into the cave. This cave is narrow and rugged, and extends under the cliff for about 120 feet. A little to the east of this is the "White Cove," a place of considerable size; and the last of the series is still further east, and from its proximity to the local gasworks is called the "Gaswork Cave."

The walls of some of these caves are inscribed with markings and figures which have been described, explained and reproduced in the works of two learned archæologists, Dr. John Stuart[1] and Sir James Young Simpson.[2] It is unnecessary therefore here to refer to them, or to the conjectures made respecting the origin of the caves themselves.

[1] Sculptured Stones of Scotland (Spalding Club), vol. ii. pp. xci-xciii.

[2] British Archaic Sculpturings, pp. 161-176.

Their antiquity cannot be doubted, nor that, as Wyntoun states, they were the habitations or retreats of the monks in early times.

THE ORIGIN OF THE FAMILY OF WEMYSS.

In the absence of authentic charter evidence a tradition arose, in comparatively modern times, that the Wemyss family were descended from the ancient Earls of Fife, and were their oldest male representatives. But in the investigations which have been made in the course of the present work nothing has been found which could in any way substantiate such a tradition. It will be shown that the charters which relate to Michael of Methil, the founder of the Wemyss family, and his son and successor, John of Methil and Wemyss and Penshiel, afford no evidence of any relationship to the Earls of Fife other than as feudal holders of the lands of Wemyss. The original charters or grants made to Michael of Methil of the lands of Methil and Wemyss, which might have solved the question whether he was the first feudal holder of Methil and Wemyss, and also of Penshiel, a small estate in the Lammermuirs already referred to, as well as afforded other information on his origin and history, are not known to exist, nor is any copy or transumpt of them preserved. Few charter-chests of great families are intact from the twelfth century, and of the loss of these early Wemyss charters there is only too good an explanation in the visit paid by King Edward the First of England to Wemyss Castle in 1304, and his subsequent orders for burning the manor, when the Wemyss muniments, then in existence, were probably destroyed.

The tradition as to the descent from the Earls of Fife is certainly not of an ancient date, as no such tradition existed in the beginning of the fifteenth century, when, under the patronage of Sir John Wemyss of Wemyss and Reres, the venerable Andrew Wyntoun, prior of St. Serf in Lochleven, wrote his metrical chronicle of the history

of Scotland. Wyntoun devotes a portion of his prologue to the interest which Sir John Wemyss had in his literary enterprise; and, had the tradition of the Fife descent existed at that time, the prior of St. Serf's, who was learned in genealogical lore, would not have omitted to give the due tribute to his patron, much less would he have penned the reference to his rank in the following semi-apologetic strains:

> Suppos this Tretys sympylly
> I made at the instans of a Larde
> That hade my serwys in his warde,
> Schir Jhone of the Wemys be rycht name,
> Ane honest knycht and of gude fame,
> Suppos hys lordschype lyk noucht be
> Tyl gret státys in eqwalitiè.[1]

The Wemyss family do not appear to have taken any interest in the question of their supposed descent from the Earls of Fife until the time of David, the second Earl of Wemyss, who, towards the end of his life, owing to special circumstances had to make inquiries into the history of his family at a period considerably anterior to his own. About the close of the sixteenth century several brothers belonging to a cadet branch of the family went abroad to push their fortunes in the world. A descendant of one of these brothers became eminent in the Venetian service, and was the founder of the family of Count de Wemyss in Italy. Between the first Count de Wemyss and David, second Earl of Wemyss, and his son-in-law, Sir James Wemyss, Lord Burntisland, a correspondence was carried on with special reference to the genealogy of the Wemyss family, and the descent of the Italian branch from it. In one of his letters Lord Burntisland says that the family was descended of the Macduffs, Earls of Fife, but that neither the Earl of Wemyss nor his ancestors had been careful to keep a genealogical tree. Owing to the lapse of time, he added, it would be difficult to make one.

[1] Wyntownis Cronykil, B. i. Prologue, ll. 54-60.

For the benefit of his Italian kinsmen, the Earl of Wemyss obtained a birth-brief under the great seal of King Charles the Second, in which the descent from the Earls of Fife is affirmed in a general way. But the birth-brief is so extremely inaccurate, that it is of little genealogical value. Between the date to which tradition assigns the branching off of the Wemyss ancestor from the Earls of Fife, about the year 1150, and the date of that birth-brief in 1677, a period of fully five centuries had elapsed. It was quite impossible for David, second Earl of Wemyss, in the absence of the early charters of the family, to speak positively of his alleged ancestry at so very remote a period from himself, especially when he confessed that the Wemyss family had not been careful to keep any genealogical tree, and could not make one owing to the lapse of time.

The purpose for which David, second Earl of Wemyss, made inquiries into the history of his family, having been served, nothing further appears to have been done until the year 1754. James, fourth Earl of Wemyss, who was the great-grandson of the second earl, then had a genealogical tree of the Wemyss family prepared. This appears from a statement of his pecuniary affairs, made up in the year 1756, by the family accountant, which contains the following entry under the date of the year 1754, as a payment

"To Robert Douglas for the Family Tree, £10, 10s."

This Robert Douglas was the eminent genealogist, better known as Sir Robert Douglas, Baronet, of Glenbervie. In 1764 he published his work on the Peerage of Scotland, in which he gives the history of the Macduffs, Earls of Fife, and of the family of Wemyss as one of their cadets. As Sir Robert Douglas had access to the Wemyss family charters, and was professionally employed to prepare a genealogical tree of the family, his account of them in his Peerage is much more detailed than that of many other families contained in that work. In

this account Sir Robert states that Gillimichael, Earl of Fife, whom he styles great-grandson of Macduff, died in the year 1139, leaving two sons, Duncan, the fifth Earl of Fife, and Hugo. He further asserts that Hugo died in the year 1167 or 1168, and was succeeded by his son, another Hugo or Ego, who lived after the year 1200. These assertions are supported by charter evidence, but Sir Robert Douglas adds that the second Hugo left a son, Sir John, who succeeded him in all his lands of Wemyss and Markinch, etc.; that Sir John in his younger days took the appellation of John of Methil; and afterwards, in the reign of King Alexander the Second, from his lands of Wemyss-shire, assumed the surname of Wemyss, which has continued with his posterity ever since. Upon that last assertion the tradition of the Wemyss descent from the Macduffs appears to be based. But Sir Robert Douglas gives no authority for that statement, and so far from John of Methil being the son of Hugo Macduff, there is conclusive evidence that John of Methil was the son of Michael of Methil, who does not appear in any generation of the Earls of Fife. The charter evidence that Michael was the father of John of Methil, coupled with the further fact that the armorial bearings of John of Methil were totally dissimilar to all known bearings of the Earls of Fife, is a strong presumption against this tradition of the Wemyss descent.[1]

In the time of David, second Earl of Wemyss, an incident occurred in reference to the title of Fife which is worth noting. When John, Earl of Rothes, was Lord Chancellor of Scotland, he rendered great

[1] Mr. Wood, in his edition of Douglas' Peerage, gives the same descent of the Wemyss family from Hugo, grandson of the Earl of Fife, and, like Douglas, he refers to no authority. In a footnote, however, Mr. Wood refers to a manuscript history of the family in the possession of the Earl of Wemyss, in which it is stated that Michael, a son of the Earl of Fife, was the ancestor of the Wemyss family. But no authority is given in proof of Michael's alleged parentage. In the same MS. history quoted by Mr. Wood it is stated that Michael had two sons, Michael and Robert, but it will be seen from the memoir of the first known ancestor of the Wemyss family, on a later page, that though his name was Michael, the names of his sons do not agree with the account in the MS. history referred to.

services to King Charles the Second. The earl's sister, Lady Margaret Leslie, Countess of Wemyss, is also said to have materially aided Monck in the restoration of the king. The services of the earl were deemed worthy of reward with the title of Duke. His title of Rothes was derived at an early date from the town of that name in the north of Scotland, and had become historical. But the Rothes family had long ceased to have connection with their original northern territories of Leslie and Rothes, and had formed a new Leslie from the lands of Fithkil in the county of Fife, with which shire their history became closely connected. On the occasion of the Earl of Rothes being made a duke, he used his influence to have his new title made Duke of Fife. But the king refused this application, on the ground that the title was one which anciently belonged to the royal family.[1] The title of Duke of Rothes was given instead of Duke of Fife as desired. The duke was brother-in-law to David, second Earl of Wemyss, and in frequent communication with him on various subjects. But so little was then known of any theory of an alleged descent of the Wemyss family from the Earls of Fife, and of their right to represent them, or so little was it regarded by the earl, that no objection appears to have been made by him to the claim by the Earl of Rothes to be Duke of Fife. The silence of the Earl of Wemyss with respect to this is the more marked, as his correspondence shows his anxiety for the preservation of the Wemyss family and its honours in the direct male line.

Another of the arguments for the Wemyss descent from the Earls of Fife may be shortly noticed. It is that the Wemyss family have always borne the ensigns-armorial of these earls. The argument was used by Nisbet, the eminent writer on heraldry, who says: "Arms are reckoned surer marks of cadency than surnames, especially in descents of that antiquity." But Nisbet and all the other genealogists who

[1] Letter from Sir Patrick Home of Renton to John, Lord Murray, 1st May 1697, in Charter-chest of His Grace the Duke of Athole.

Omnib⁹ xpi ad[ue]ntur ecclie filijs p[re]sentib⁹ & futuris Johes filius Michael de Wechehil Salutem. Sciatis me dedisse concessisse & hac carta mea confirmasse Deo & ecclie sc̄e Andree de Wellebi & monachis ibidem deo seruientib⁹ & seruaturis totam terram meam de Pannelchelyis. Tenendam & habendam eidem monachis de me & heredib⁹ meis in puram & p[er]petuam elemosinam in p[er]petuum. Sua Libere quiete plenarie & honorifice sicut aliqua elemosina in Regno Anglie Liberius quietius & plenius. Tenetur vel poterit. Cum Bosco & plano Instauro cultis & maltis. Cum pratis & Pascuis Cum Viis & Semitis Cum aquis & stagnis Vivariis & molendinis & omnibus aliis aisiamentis que infra p[re]dictam terram contingunt p[re]dictis Ecclie & monachis. Ego autem & heredes mei warantizabimus & defendemus p[re]dictis monachis totam p[re]dictam terram cum omnibus Libertatib⁹ & iustis p[re]missis suis contra omnes homines. Exceptis terra quam dedi monachis de Wellebi & exceptis terra quam concessi Henrico Parvo & heredib⁹ suis p[er] recognitionalem suam in Cranno de Pannelchelyis. Quam ego terram p[re]dictam sicut dictum est tenebuntur & habebuntur plene monachi de Wellebi Liberam & quietam ab omni seruitio consuetudine & exactione & demandis de me & heredib⁹ meis in p[er]petuum. His Testib⁹. Thoma Comite de Kirkeb. Thoma de Multon. Hugone Foliot Abbate. Magro Willo medico dni Regis. Gaufrido de Boleo. Jacobo filio Petri. Andrea de Furnell. & Aliis multis.

treated of the traditional descent in question, were ignorant that the lion rampant was not the original armorial bearing of the Wemyss family. The beautifully engraved seal of John of Methil, son of Michael, their undoubted ancestor, in 1230, is known from the impression of it appended to his charters still preserved. The charges in the shield may be described—Per pale, the sinister marked with lines crossing each other, dexter and sinister bendwise, a chevron, surmounted of another reversed. The seal is still appended to two charters granted by John of Methil to the abbey of Melrose. One of these charters is here given in facsimile, including the seal.[1]

The Wemyss family afterwards changed their original armorial bearings from the two chevrons which appear at their earliest charters. A wolf *passant* is the device on the signet of Sir Michael Wemyss in 1292, of which an engraving is given in the present work.[2] Certainly at a later date four lions *rampant* were assumed, which have continued, with short interruption, to be the armorial bearings of the family since their restoration after the partition.

Sir John Wemyss of Wemyss and Reres appears to have been the first of the family to adopt the four lions into his arms; although no seal used by Sir John himself has been discovered to verify that statement, yet it is probably true, as not only his son and successor, David Wemyss of Wemyss, but another of his sons and also the son of that son, at a later period, used the four lions on their seals, the two latter with a mark of cadency.[3] What motives Sir John Wemyss had for adopting the four lions as his arms were probably suggested by his marriage relationships, and also perhaps by his position as a vassal of the Duke of Albany and Earl of Fife, and not at all by ancestry. For, as we have already seen, in his time there was no tradition of the family

[1] Original charter in Melrose Charters of His Grace the Duke of Buccleuch. They are referred to at length in the memoir of John of Methil and Wemyss.

[2] P. 24, *postea*.

[3] See p. 66 *postea*.

being descended from the Earls of Fife, with the last representative of whom he was a contemporary.

Nisbet contends that the use of similar arms was a sure mark of cadency. But that is far from universal practice. Similarity of arms may mean another connection than that of descent. It was the common practice in many of the provinces of Scotland in early times for the vassals of great territorial superiors to adopt the armorial bearings of their overlords. In Annandale, for example, where the Bruces were so long supreme, many of the first families who held portions of Annandale under the Bruces adopted their well-known saltire. The Johnstones, the Jardines, the Kirkpatricks, and other historical houses, all carried the principal badge of the Bruce. As the Earls of Fife were among the greatest of the ancient earls, and possessed privileges greater far than those enjoyed by any other subject, some of those who held lands under them would no doubt be permitted to adopt, with proper differences, their rampant lion as a token of feudal connection, where no question of descent could arise.

Other families besides that of Wemyss have claimed descent from the ancient Earls of Fife. The principal of these families are Mackintosh of Mackintosh or Clan Chattan, Toishach of Monievaird, the Duffs of Braco, Finday, Craigton, and others of the name of Duff. But these may be all dismissed with the remark made by Sir Robert Douglas that he had never seen any documents for such descents. A later authority, after carefully considering the claim of descent of the Mackintoshes from the Earls of Fife, has shown how unfounded that claim is, and assigns them a totally different origin.[2]

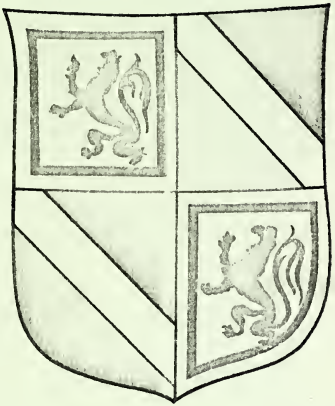
Of all these claimants Duff of Braco is the only one who has succeeded in obtaining any royal recognition of his pretensions. William Duff of Braco, in the county of Banff, having acquired large landed estates in several of the northern counties of Scotland, but having

[1] Peerage, p. 275.

[2] Celtic Scotland, by W. F. Skene, vol. iii. pp. 356-358.

Wemyss of that ilk

Wemyss of Reres



ARMORIAL BEARINGS OF WEMYSS OF THAT ILK, AND WEMYSS OF RERES.

FROM THE "BUKE AND REGISTER OF ARMES DONE BY SIR DAVID LINDESAY KNIGHT,
ALIAS LION KING OF ARMES" A.D 1542 IN THE LIBRARY OF THE ADVOCATES EDINBURGH

no connection with the county of Fife, and no proved descent from the ancient earls, obtained, through his personal and political influence, from the queen-regent, Caroline, an Irish peerage as Baron Braco of Kilbride, in the county of Cavan, by patent, dated 28th July 1735. His lordship was advanced to a viscounty and earldom, also in the peerage of Ireland, by the titles of Viscount Macduff, and Earl of Fife, by patent, dated 16th April 1759. James, second Earl of Fife, was made a peer of Great Britain as Baron Fife in 1796. That title became extinct on his death, but it was renewed to his grandson, the fourth earl, who was made Baron Fife in 1827. The title again expired with him. The present earl was created Earl of Fife, in the peerage of the United Kingdom, in 1885.[1]

No tradition was ever more persistently maintained than that the royal house of Stewart was descended from Fleance and Banquo, who were alleged to be native princes of Lochaber. Shakespeare adopted them as realities, and they have been immortalised by his genius. But since the days of the great dramatist, investigations have proved that these boasted princes of Lochaber are purely fabulous. The true origin of the High Stewards of Scotland has been found in the Fitz-alans of Shropshire.

[1] The Duffs of Braco claim to be descended from the Duffs of Craighead or Moldavid in the county of Banff. They again are represented as descended from "Fifus Duffus," who acquired the county of Fife from King Kenneth in the ninth century. In reference to these claims it is instructive to note that in the year 1676, Alexander Duff of Keithmore, as lineally descended from the family of Moldavid and Craighead, obtained a grant of arms from Sir Charles Erskine, Lyon King of Arms, in which these are described as a "Fesse daunzette ermine, between a buck's head cabossed in chief, and two escallaps," etc. [in base].—[Genealogical memoir of the Duffs, by William Baird of Auchmeddao, 1763, privately printed in 1869.]

The Lyon King was a landed proprietor in the county of Fife, and well versed in the history of noble and baronial families. If the grantee had been in right of a descent from the Earls of Fife, the fact would not have been omitted to be stated, and the arms granted are altogether unlike any known armorial bearings of any of the Earls of Fife. This grant of arms, therefore, negatives the claim of the Duffs to any representation of the ancient Earls of Fife.

THE ORIGIN OF THE PRESENT WORK.

While engaged on the "Scotts of Buccleuch," for his Grace the late Duke of Buccleuch, the late Mr. Erskine Wemyss of Wemyss gave me permission, in the year 1860, to inspect his muniments preserved at Wemyss Castle. That inspection had special reference to the papers and correspondence relating to the two young heiresses of Buccleuch, Lady Mary and Lady Anna Scott. These ladies were the daughters of Lady Margaret Leslie, who, after the death of their father, Francis, Earl of Buccleuch, became the third wife of David, second Earl of Wemyss. They were thus his lordship's step-daughters. The eldest, Lady Mary, was married at Wemyss Castle. Her marriage was a romantic one, and led to much discussion both in the civil and ecclesiastical courts. It was brought under the notice of the Government of the Commonwealth, who put this almost child-wife under the charge of General Monck until she should attain her twelfth year. On her death her younger sister became Countess of Buccleuch in her own right, and also, on her marriage, Duchess of Buccleuch and Monmouth. Her marriage with Monmouth was also a romantic one. It was to her Grace, in the castle of Newark, that Sir Walter Scott represents the "Last Minstrel" as pouring forth his "Lay" with such touching tenderness.

The search which I was permitted to make in the repositories at Wemyss Castle disclosed much correspondence of the Duchess of Buccleuch and Monmouth. She treated her step-father, the Earl of Wemyss, with great affection; and her juvenile letters to him were found at Wemyss Castle undisturbed since the time they were first addressed to the earl from Whitehall, where she resided after her marriage. Several of these letters were printed and also lithographed in the Buccleuch Book.

But beyond those special papers, relating to the heiresses of Buc-

cleuch, my investigations at Wemyss interested the late Mr. Erskine Wemyss, as well as Mrs. Erskine Wemyss, and they both facilitated my explorations. These came to extend over the whole muniments of the Wemyss family. Although Edward the First of England may have destroyed the Wemyss charters which existed in his time, the family had, since then, acquired many charters and miscellaneous documents, and their correspondence with the sovereigns and regents of Scotland had also been preserved. A selection of the charters was inlaid and bound in a large folio volume: a selection of the royal, official, and family correspondence was also inlaid and bound in another similar volume. These volumes have since been carefully preserved.[1]

A few years later the untimely death of Mr. Erskine Wemyss occurred, and nothing more was then done with the Wemyss muniments. His eldest son, Mr. Randolph Erskine Wemyss, was a minor at the time of his father's death. Soon after attaining his majority he formed the laudable intention of printing a selection of the Wemyss charters and correspondence. In the autumn of the year 1880 application was made to me to undertake that work, including a history of the Wemyss family. Pleased as I was with the Wemyss muniments when they first came under my notice, twenty years previously, and always desirous to assist in opening up to the public any historical documents, I was nothing loath to resume my labours upon the Wemyss muniments in a new and more useful form. These have now been completed in three large quarto volumes.

The First Volume consists of the history of the family of Wemyss of Wemyss, from Michael of Methil and Wemyss, their first proved ancestor, to the present Mr. Wemyss of Wemyss. Detailed memoirs

[1] Besides these two volumes of Wemyss Charters and Correspondence, there are also preserved at Wemyss Castle an early copy of Wyntown's Cronykil in MS., a copy of Pitscottie's History of Scotland, also in MS., and the original Diary or Journal written by David, Lord Elcho, who was forfeited for his concern in the insurrection of 1745-46; also the Journal of David, second Earl of Wemyss, and a copy recently made.

of each successive laird are given in separate chapters. Armorial seals and signatures have been engraved, and are printed at the end of each memoir.

The SECOND VOLUME comprises the more ancient charters of the family. There are only a few of these prior to the middle of the fourteenth century. The earliest is a Papal 'Bull' by Pope Alexander the Third, in 1163, taking the church and bishopric of Dunkeld under the protection of the Papal See. The collection embraces specimens of almost every kind of feudal document peculiar to Scotland, down to the middle of the seventeenth century, after which date only a few of the documents, of more than ordinary importance, are printed at length. Full abstracts in English of all the Charters printed at length are prefixed to the volume. At the end of the abstracts several charters by John, son of Michael, are printed from the Melrose and other collections. There is also an APPENDIX of Abridgments of Charters not printed at length, in which is presented the substance of nearly one hundred more of the family muniments, and several documents from other sources.

Some of the more ancient and important charters have been lithographed. These are included as illustrations in the second volume.

The THIRD VOLUME contains the Correspondence of the Family of Wemyss of Wemyss. This includes, chiefly, the letters addressed to the successive lairds and Earls of Wemyss. There is a large collection of Royal and State Letters, from the time of King James the Fifth to that of King Charles the Second, embracing missives from each of the successive sovereigns, as well as of each of the successive regents during that period. Several of the letters of King James the Sixth show the strait which the king was in for want of ready money. When his credit with the treasurer and comptroller was exhausted, he applied to some of his substantial subjects for a loan of money. In 1583, when James appeared to be furnishing his palace of Linlithgow,

he made application by letter and a special messenger for the loan of money from the laird of Wemyss. In exchange, the king promised to grant the laird an order on the comptroller; but the laird was averse to that kind of security, and he required much pressure by the king before making the loan.[1]

At another time the king asked the laird of Wemyss for the loan of his "finest hackney," and the finest saddle and furniture, for the use of the French ambassador, then at the palace of Falkland, on his journey to Perth. But the wary laird appeared to be as unwilling to lend his hackney as his hoard. Failing his compliance with the king's demand, another royal missive was sent complaining of the laird having "vilipendit" the first request.[2]

The Family and Domestic Letters date from the year 1525 to 1815, and embrace many from prominent noblemen of the period, a number of neighbouring Barons of Fife, and many others. Among eminent ecclesiastics there are letters from two. The first is Mr. George Gillespie, who was, for a time, minister at Wemyss. He was one of the Scottish Commissioners to the Westminster Assembly in the year 1644, and two letters written by him, detailing the progress of events in the Assembly, and in the English Parliament, are included in the collection. In one of these letters the writer informs Lord Elcho that the Assembly has been upon the Directory, whereon they have advanced pretty well. He adds, that they "have done with preaching, prayers, reading of Scriptures, the Lord's Supper, and they have almost ended baptism."[3]

The other prominent ecclesiastic was Archbishop Sharp, who was superior of the barony of Methil in the time of David, second Earl of Wemyss, and corresponded with him in reference to the feudal rights, as to which the earl's legal advisers thought that the archbishop was rather exacting. But the earl himself granted to the archbishop, as a

[1] Vol. iii. pp. 20, 21. [2] *Ibid.* p. 35. [3] *Ibid.* p. 87.

personal compliment, a boatload of coals annually from the coal-works at Wemyss or Methil. In his letter of the 14th March 1678, the archbishop gives the earl an account of a serious accident which befel him at Edinburgh. While his coach was driving at full gallop in the street, the archbishop leaped out of the coach and hurt his leg and shoulder. He adds, "My hind head dashing against a causey stone, had a deep and large wound, to the effusion of much blood."[1]

Another clerical correspondent at a later date, the Rev. John Wylie, minister at Clackmannan, and formerly of Saline, in the county of Fife, made himself "more plain than pleasant" to the fourth Earl of Wemyss soon after his marriage to Miss Charteris in 1720. Mr. Wylie was a keen Presbyterian, and he considered Episcopacy as contrary to Scripture.[2] He makes no apology for his freedom in writing, "as it flowed from love to the earl's worthy grandmother and mother (who, with her dying breath, recommended your being bred Presbyterian), and the interest I had in your father." After concluding a lengthy letter, Mr. Wylie adds a long postscript, in which he again urges that the greatest honour the Wemyss family has met with was occasioned by Presbyterian government, for Earl John had the honour to be his Majesty's commissioner, and represent his person in an assembly of the Church of Scotland. His son David, second earl, was a member of the commission of the General Assembly when he was Lord Elcho.[3]

[1] Vol. iii. p. 139. [2] *Ibid.* p. 196.

[3] While these pages were passing through the press, a document of some interest has come under notice, relating to Lady Jean Wemyss, eldest daughter of David, second Earl of Wemyss, who became Countess of Sutherland, and whose dispute with her younger sister as to the Wemyss estates is narrated in the memoir of Margaret, Countess of Wemyss [pp. 306-313 of this volume]. Lady Sutherland was held in high esteem by Queen Mary, wife of King William the Third, and received from her Majesty a large diamond ring, valued at 9000 merks Scots, or £500 sterling, in token of the royal regard. Lady Sutherland disposed of that ring by a special grant some years before her death, reserving it to her own use during her life, and bequeathing it first to her grandson, William, Lord Strathnaver, and his "male children," to be kept "by him or his sons as a jewell of the familie, and as a token of the said Queen's respect" to Lady Sutherland. Failing Lord Strathnaver, the ring is assigned to

Another section of the correspondence contains several of the letters received from the Italian family of Wemyss in reference to their descent, and copies of several of the replies sent by David, second Earl of Wemyss, and his son-in-law, James, Lord Burntisland, with the family birth-brief.

Selection of several of the letters from the sovereigns and regents of Scotland, Archbishop Sharp, and other correspondents of the Wemyss family, have been lithographed. These are included in the third volume as illustrations.

Even with the abundance of Wemyss muniments an accurate history of the family of Wemyss would have proved a much more difficult task than it did had not assistance been obtained from other charter repositories. Owing to the frequent succession of co-heiresses, part of the lands were divided and subdivided, at one time even into such small portions as eighteenth shares. As formerly shown, the family of Inchmartin of Inchmartin acquired right to part of Wemyss, and when General Alexander Leslie, the first Earl of Leven, purchased their estate of Inchmartin, which he called Inchleslie, he acquired along with the lands many of the ancient charters and documents relating to the family of Ogilvie, who were his predecessors in Inchmartin. Several of these documents had reference to the partitions of the Wemyss estates in which the Ogilvies were interested, and remained with the descendants of the Earl of Leven after they had sold Inchmartin. Through the kindness of Lady Elizabeth Leslie Melville Cartwright, the present owner of the Melville estates, and

Archibald, Earl of Forfar, son of the countess by her first husband, Archibald, Earl of Angus, and the heirs-male of his body. Lastly, the ring is to pass to another grandchild, Lady Jean Sutherland, who married James, Viscount Maitland, eldest son of John, fifth Earl of Lauderdale. This disposition, which is in the Sutherland Charter-chest, is dated at Holyrood-house, 24th March 1709. There may be some significance in the fact that Lady Sutherland, in her disposal of the ring, entirely passes over her own family of Wemyss, but it is probable she preferred that such an heirloom should remain only with her own actual descendants.

the heir of line of the Earls of Leven and Melville, the most liberal access has been accorded to all muniments at Melville relating to the Wemyss family. These muniments have materially aided in making the history of the family of Wemyss much more complete than it could otherwise have been. From the Melville muniments also, many interesting letters of Margaret, Countess of Wemyss, David, third Earl of Wemyss, her son, David, third Earl of Leven, and others, have been made available for the present work. It will be learned with satisfaction that Lady Elizabeth Melville Cartwright, acting in the same liberal and enlightened spirit which has led to the printing of the Wemyss muniments, has authorised the preparation of a similar work on the historical houses of Melville and Leslie.

His Grace the Duke of Buccleuch, also, as the owner of several charters in the great Melrose collection which materially aided in tracing the origin of the Wemyss family in the thirteenth century, generously allowed them to be printed, and an important seal of arms to be engraved. Documents in the Charter-chest of the Earl of Mar and Kellie also afforded much help in elucidating questions in the pedigree of the family of Wemyss.

Although the tradition of the Wemyss descent from the ancient Earls of Fife has not been established, there remains a long line of ancestry, from Michael the first-known owner of Wemyss to the present Mr. Wemyss of Wemyss. It includes twenty-five generations, extending over a period of seven centuries, and is one of the longest and purest of Scottish pedigrees.

WILLIAM FRASER.

EDINBURGH, 32 CASTLE STREET,
March 1888.

Memoirs

of the

Family of Wemyss of Wemyss.

I.—Michael of Methil and Wemyss, the first proved ancestor of the Wemyss Family.

Circa A.D. 1165—*circa* 1214.

The earliest proved ancestor of the family of Wemyss is Michael of Methil and Wemyss, whose existence is clearly established by the evidence of contemporary charters. He flourished during the reign of King William the Lion, which was from the year 1165 to the year 1214.

No charters or grants of land made to Michael of Methil and Wemyss, or made by him to others, nor any copies or transumpts of them, are known to exist. The evidence respecting him is derived chiefly from the charters granted by his son John, who styles himself John, son of Michael, and also John, son of Michael of Methil. These charters prove the existence of Michael as the proprietor of the separate estate of Methil held under the bishops of St. Andrews.

In a later deed, however, a considerable time after the death of Michael, when Gamelin, bishop of St. Andrews, in the year 1261, confirmed a charter granted by John, son of Michael, to the hospital

of Soutra, of the Church of St. Mary of Wemyss, he designated the granter "Dominus Johannes de Wemys filius Michaelis de Wemys," Sir John of Wemyss, son of Michael of Wemyss.[1] Here the bishop, who had previously been Lord Chancellor, and would have ample means of information, gives Michael the territorial designation of Wemyss, thus implying that he held the lands of Wemyss as well as those of Methil. Whether he also held the lands of Penshiel in the Lammermuirs, which were in the possession of his son, there is no evidence to show. But if not, the above is sufficient proof that Michael, the first-known ancestor of the Wemyss family, was possessed both of Wemyss and Methil, the former being probably held from the Earls of Fife as his feudal superiors.

The Christian name of Michael, which was borne by the first known founder of the Wemyss family, was a common one in his time. Charter records disclose a number of contemporary Michaels. There is Michael the son of Salomon of Norham, who about 1190 was witness to a charter by Vincent, son of Robert Avenel, to the abbey of Kelso.[2] There is also Michael, son of Mallotheny, whose son Duncan granted to the priory of St. Andrews his land and mill of Kernes for the salvation of his own soul and that of his lord, Malcolm, Earl of Fife.[3] There is a Sir Michael, son of Malloch,[4] and also a Michael, son of Simon.[5] Then there is a Michael, whose son Richard held the office of purse-bearer (expensarius) to King William the Lion, and who has been erroneously ranked among the ancestors of the Wemyss family by certain genealogical writers under the name of Robert of Wemyss, the king's treasurer, son of Michael of Wemyss. This Richard was witness to a charter by King William at Haddington between 1211 and 1214.

[1] Registrum Domus de Soltre, etc. Bannatyne Club, pp. 13-35.

[2] Liber de Calchou, p. 211.

[3] Registrum Prioratus Sancti Andree, p. 309.

[4] *Ibid.* p. 269.

[5] *Ibid.* pp. 276, 342.

[6] Registrum Vetus de Aberbrothoc, p. 47.

Besides these persons of the name of Michael, there appears another person of that name, designated a clerk, as a witness between the years 1165 and 1204, to a number of the charters granted by Duncan, Earl of Fife.[1] He and the earl also appear frequently side by side as witnesses to charters by Malcolm, Earl of Athole, Morgund, Earl of Mar, Merleswain, son of Colban, Ness, son of William, and others,[2] but Michael the Clerk never appears as a witness to royal charters. In the charters referred to he frequently ranks next to the Earl of Fife, and before Adam, the earl's brother, who was also a clerk, though Adam occasionally ranks before Michael. This Michael appears to have died about 1203, leaving a son, John. Under the designation of John, son of Michael the Clerk, he granted to the canons of St. Andrews a silver half-merk from his kiln of Muircambus, near Kilconquhar, probably about the year 1220, one of the witnesses being Gilbert, parson of Wemyss;[3] and under the same designation he witnessed a charter to the monks of Holyrood of the church of Megginch, probably a few years earlier, another witness being Robert, clerk of Wemyss.[4]

Had the lands of Muircambus been proved to form part of the early possessions of the lairds of Wemyss, there would have been a fair presumption that Michael the clerk and his son John were identical with Michael of Methil and Wemyss and his son John.[5] Their association, too, with Fife, and with the Earls of Fife and others in that county, lends an additional interest to their existence at this time, especially in view of the alleged descent from the ancient Earls

[1] Registrum Prioratus Sancti Andree, pp. 241, 242, 244; Carte de Northberwic, p. 5.

[2] *Ibid.* p. 12; Cartulary of Neuhotle, p. 41; Registrum Prioratus Sancti Andree, pp. 41, 246, 259, 260, 264, 265, 287, 306, 325.

[3] *Ibid.* p. 269.

[4] Charters of Holyrood, p. 53.

[5] Boswell of Balmuto and Livingstone of Drumry, who married two heiresses of Sir Michael Wemyss, who died in 1342, each held a part of Muircambus. [The East Neuk of Fife, by Rev. Walter Wood, pp. 70, 71.]

of Fife. But it is impossible to say that the two Michaels and the two Johns were identical, especially as in none of the references to John of Methil is he ever designated as John, son of Michael the Clerk, though he is repeatedly styled John, son of Michael, and John, son of Michael of Methil.

In this connection it is interesting to find in existence at the same time, and moving in the courtly circle, another Michael, also a clerk, and secretary to King William the Lion. In this and the former case the office held was evidently a lay-clerkship. This Michael was of Flemish origin, being styled Michael the Flandrian, clerk, in a contract of excambion, dated before 1198, of the lands of Woolmet in Midlothian.[1] Besides these lands, he possessed the lands of Gilbertston[2] in the same county, which were conveyed to him under the designation of Michael the Flandrian, clerk of the king, by William the Lion, and afterwards confirmed by Alexander the Second. The grantee was required to furnish to the king's army a man-at-arms, with a horse and armour. The lands of Gilbertston were afterwards granted to Archibald, son of Michael, by a charter dated in 1226, and at a later date, along with the lands of Woolmet, passed into the hands of William Ramsay and Elizabeth, his wife, a grand-daughter or a descendant of Michael.[3] To a charter, dated before 1200, respecting the lands of Lochorwart or Borthwick in Midlothian, Michael, clerk, is a witness,

[1] Registrum de Dunfermelyn, p. 264.

[2] The lands of Gilbertston were so called from Gilbert Suffach, their former possessor. They are now called Brunstane, and are situated in the parish of Duddingston. The present house of Brunstane was only built by the Earl of Lauderdale in 1639.

[3] Registrum de Dunfermelyn, p. 264; cf. Acts of the Parliaments of Scotland, vol. vii. p. 144, where is an inventory of the early charters of Gilbertston. The original charters were destroyed by damp, but the Duke of Lauderdale, to whom the lands for a time belonged, had taken a comprehensive inventory, which was incorporated in an Act of Parliament to secure his title. Archibald of Woolmet and Michael of Woolmet, or Wymet, appear as witnesses to charters in the early part of the thirteenth century [Registrum de Neubotle, p. 60; Liber de Calchou, pp. 197, 348].

and about the same date Michael the Flandrian is found holding the office of sheriff of Edinburgh.[1]

The father of Michael, the king's clerk and sheriff of Edinburgh, was Jordan the Flandrian, a prominent personage in the reign of King William the Lion. He was one of a number of Flemings who came to Scotland in the time of King David the First, and aided him in settling the more turbulent districts of the kingdom. Jordan the Fleming was in attendance on King William the Lion when captured at Alnwick in 1174, and is named among the other barons taken with the king, whose captivity he shared.[2] He held under the Scottish king the lands of Ord, on the south side of the Tweed, near Berwick, part of which he granted to the monks of Kelso.[3]

But none of these facts throw any positive light on the origin of Michael of Methil and Wemyss, the ancestor of the family of Wemyss, who yet must have been a man of note in his day, and possessed of considerable property. The evidence which has been adduced by peerage and heraldic writers for his affiliation to an Earl of Fife has not been substantiated in any way, while the armorial bearings of his son point to a descent from another family than the Earls of Fife. But what that family is must at present rest in the obscurity of antiquity. The ascertained facts regarding Michael are that he existed, that he possessed the estates of Methil and Wemyss, and that he left, by a wife whose name is unknown, two sons. The elder was Sir John of Methil and Wemyss, and of him a memoir follows. The younger son was named Duncan, but of him nothing is known save the name, which is mentioned in one of his brother's charters under circumstances which suggest that Duncan was by that time dead.[4]

[1] Registrum de Neubotle, p. 12; Charters of Holyrood, p. 213.

[2] Chronicle of Roger Hoveden, Rolls Edition, vol. ii. p. 63.

[3] Liber de Calchou, vol. i. p. 25.

[4] Registrum Sancti Andree, p. 381.

II.—Sir John of Methil and Wemyss, knight.

Circa 1203 to *circa* 1265.

In the preceding memoir of Michael, the father of Sir John, part of the charter evidence relating to him has necessarily been referred to. His first appearance on record is as a witness to a charter dated between 1202 and 1204, in which he is named John, son of Michael.[1] He is named John, son of Michael, by Malcolm, Earl of Fife, in a charter of the church of Abercrombie to the monks of Dunfermline, and ranks as a witness immediately after the earl's brothers.[2] The earliest known date at which he appears on record as John of Methil is the year 1212, when he took part in a ceremony of some significance in view of his occupancy of Methil. A dispute had arisen between the prior and canons of St. Andrews and the archdeacon of the see as to their respective rights in lands and rents outside and inside the city. William Malvoisin, bishop of St. Andrews, was called in as arbitrator, and in full chapter decided as follows:—That the prior and canons should have the lands and rents of the archdeaconate outside St. Andrews between the burgh and the Boar's chase (Boarhills), and they should be quit of all claim the archdeacon might have on that territory, and others named. The archdeacon and his successors were to have the whole land between the sea and the highway to Dairsie, from the cross founded in memory of Bishop Roger to the top of a hill near another cross, and thence northward to a rock near the

[1] Registrum Sancti Andree, p. 106. William, bishop of St. Andrews, the granter of the deed, became bishop in 1202, while Duncan, Earl of Fife, one of the witnesses, died in 1204.

[2] Registrum de Dunfermlyne, p. 83. The charter may have been granted before 1217, but this is not certain. Its date must be between 1204 and 1227. John, son of Michael, is also a witness to other charters by Malcolm, Earl of Fife, *c.* 1210 and *c.* 1227. Historical Commission Reports, No. iv. Appendix, p. 503, and No. viii. Appendix, p. 305.

boundaries of Balgove and Strathtyrum, with other lands and privileges described.[1]

This decision was ratified by the seals of the bishop and the parties interested, and as the occasion was important, there was a large assemblage to attest the act. The majority of those present were clergy, but among the laymen were Galfrid, the sheriff of Fife, and John of Methil, who then held his lands of Methil, as his successors did, from the bishops of St. Andrews.

But though Methil was the first known territorial designation assumed by Sir John, he possessed at the same time the property of Penshiel, in the parish of Whittingham, in East Lothian. His benefactions to the church were made from these lands of Penshiel, as appears from several of his charters still extant. The earliest of these charters, so far as can be judged, is one to the monks of the Isle of May. The writ is imperfect, and the boundaries cannot be clearly distinguished, but on one side they run from Bromside to Calneburn (Kellburn), and so upwards to Goselaw, to which last-named land, "Ness," probably Nes de Londres, another East Lothian proprietor, laid claim. But the granter, who styles himself John, son of Michael, gives them in pure alms free of all exactions.[2]

Following upon the above grant there is another, also of uncertain date, to the monks of May, evidently of adjoining lands. This charter by John, son of Michael, conveys a considerable extent of land on behalf of the souls of the granter, his father and mother, his wife, his brother Duncan, and his own son and heir Michael, who specially consents to the grant. The monks are to receive the whole land on the south side of Kellburn, from the ford which is between Penshiel

[1] Registrum Sancti Andree, pp. 315, 316.

[2] *Ibid.* p. 380. The lands referred to in this and the next grant are still known by the name of Mayshiels. The date may be about 1215, and the witnesses are similar to those in a charter by Patrick, Earl of Dunbar, presently to be referred to.

and Kingside to the stone standing as if midway between south and west, thence to the great stone situated under Winethes, thence to Strotherhead, and thence by a small pathway to Windesduris in the pertinents of the granter's town of Penshiel, with one acre of meadow, and with pasture sufficient for feeding three hundred breeding ewes, thirty cows with calf, and twenty-four brood mares, with their followers, who were to be removed when two years' old; ten brood sows, with their litters, were also permitted to occupy the pasture. Peats may be taken by the tenants of the monks, with as much turf as shall be required for their houses, the whole being given free of service and exaction.[1]

These grants are of considerable interest when we consider that, according to the traditional account of the earliest religious settlers in the Isle of May, the connection between that island and the neighbourhood of Wemyss dated from a very remote period. Setting aside the more legendary portion of the narrative, it seems proved that a large body of clerics and laymen, driven from their own country of Ireland by religious persecution, landed about the year 850 on the coast of Fife, where they probably acted as missionaries. Wyntown represents them as headed by St. Adrian, and states that some chose to remain in the Isle of May, while others dwelt in "steddies" on the north shore of the Forth. The numerous caves along that coast, especially those near Wemyss, in the neighbourhood of Methil, were no doubt the dwelling-places of those early missionaries, some of whom are said to have been martyred by the Danes.[2] The curious figures of crosses and other ecclesiastical symbols depicted on the walls of these caves bear witness to the probability of Wyntown's narrative.[3]

[1] Registrum Sancti Andree, p. 381. Date uncertain, but not later than 1231.

[2] Cf. Wyntownis Cronykil, B. vi. c. viii. l. 65, *et seq.*; Skene's Celtic Scotland, vol. ii. pp. 313-317.

[3] Sculptured Stones of Scotland, vol. ii., preface, pp. xc-xcii.; cf. Plates, No. 30-35, for drawings of figures in caves.

It was from those caves that the land in their immediate vicinity was named, the word for cave in the Celtic tongue being *Uaimh*, whence Wemyss.

The grants to the monks of the Isle of May do not, however, exhaust the munificence of John of Methil. He bestows other lands in the same neighbourhood upon the monks of Melrose, and the boundaries recited give some idea of the extent of his possessions in the Lammermuirs. The earliest of his charters recorded among the grants to the abbey of Melrose is one in which, under the designation of John, son of Michael, he gives to Maurice, his man, son of Robert, the lands held by Aldred Faber, or Smith, and Oliver, his son, in Penshiel. These lands are said to lie on the east side of the Faseny Water, and are to be held of the granter in fee for a pair of gilt spurs yearly, or six pennies at each feast of St. Michael. Common pasture for the granter's ewes is reserved, and, while the tenant's own house is declared free of multure, his men are to use the granter's mill.[1]

The above charter was followed by another, dated apparently in 1227 or 1228, by which John, son of Michael, conveys the same portion of land to the monks of Melrose. He describes it as the land which is on the east side of the Faseny, between the ford of the Faseny, by the way which is called Richard's Road ("Ricardis-rode") to the head of Killmad, and thence by the rivulet which runs into the Killmad, to the Whiteadder. The granter is to hold the monks free of all agricultural service and secular exaction.[2] The portion of land thus conveyed formed part of the granter's territory of Penshiel, and to the present day bears the name of the Friar's Nose, partly owing to the configura-

[1] Liber de Melros, vol. i. p. 193. The date of this charter is uncertain, as the witnesses' names have not been retained in the register. Maurice, son of Robert, is a witness to the charter next quoted in the text.

[2] *Ibid.* pp. 193, 194. Mr. Matthew, chancellor, is a witness to this grant, which fixes the date about the year 1227, as Matthew Scott was chancellor only a brief space. The armorial seal of John, son of Michael, is still attached to this writ.

tion of its eastern boundaries, and partly no doubt to the tradition of its monkish tenants. A year or two later John, son of Michael of Methil, by two charters evidently granted about the same date, conveys the whole of his lands of Penshiel to the abbey of Melrose. The boundaries are not given, but they probably included the whole of the modern Penshiel. The granter, however, excepts the lands which he had given to the monks of May, and those he had bestowed on Henry Little. The two charters are conceived in almost identical terms, but by the second the monks are bound to pay yearly, at Whitsunday, to the prior of Melrose for the time, the sum of three silver merks, which the granter had assigned for the welfare of his soul and of his heirs, as a pittance to be administered to the convent on Trinity Sunday by the hands of the prior.[1] These charters were granted, as appears from the names of the witnesses, about 1230, and were confirmed by Patrick, Earl of Dunbar, who died in 1231. He was overlord of John, son of Michael, in the lands of Penshiel, a mid-superior being John, son of Waldeve, a member of the Dunbar family, who also confirms the charters by John, son of Michael.[2]

At a date coincident with the grant by John of Methil now referred to, the monks of Melrose received gifts of other lands around Penshiel from neighbouring proprietors. To one of these, of the lands of Kingside by Henry of Belton, made in 1231, John of Methil is a

[1] Liber de Melros, pp. 189-191. The granter's seal has been lost from one of these charters, but it is still attached to the other, and is in excellent preservation.

[2] It may be noted that the witnesses to these charters of Penshiel, by John of Methil, are such as to indicate that he was a man of considerable position. To one of the charters, in 1227, Matthew [Scott], chancellor of Scotland, is a witness, and the same writ shows that the granter had two chaplains, but they may have been attached to separate chapels on the lands. Two other charters bear the names of Alan, abbot of Balmerino, Thomas, Earl of Athole, Ness, the king's physician, and others, as witnesses. Other charters by John of Methil, noted in the text, are witnessed by men who, from other writs, appear as constant attendants on the greater earls, as the Earl of Fife and the Earl of Dunbar. Such facts indicate that the personal standing of John of Methil was high.

witness. He apparently held rights of superiority over Kingside, as about 1386 his successor, Sir John of Wemyss, confirmed a later gift of the lands to the Abbey.[1] The lands thus held by John of Methil, either as superior or occupier, seem to have formed a parallelogram of about two and a half miles long by two miles broad, lying on the southern slope of the Lammermuirs, bounded along the whole eastern limit by the river Whiteadder, on the south by the Killmad burn, and on the north by the Kingside burn, the western march not being defined. The remains of an old tower are still visible at Penshiel. There was also a chapel, the site of which is known as Chapelcleuch, and the convivial habits of the past are commemorated by a spot in the neighbourhood called the Wine-cellar.

Besides the grants already narrated, John of Methil enriched the hospital of Soltre or Soutra, a small religious house on the ridge of the Lammermuirs, some miles to the west of Penshiel. He conveys to the master and brethren there, on behalf of his own soul, the souls of Earl Duncan, his own father and mother, and all his predecessors and successors, all his right in the church of St. Mary of Wemyss, to be held as alms for the benefit of the poor in the hospital of Soutra.[2] This charter is not dated, but was probably granted about 1239, when Bishop David Bernham came to the see of St. Andrews, as it was confirmed by the bishop after his consecration in 1240, who described the granter as Sir John of Methil, knight.[3] The confirmation was repeated by Gamelin, bishop of St. Andrews, in 1261, and in his charter the bishop, as already shown in the previous memoir of Michael, designates Sir John of Wemyss, son of Michael of Wemyss, true patron of the church of Wemyss. Bishop Gamelin's charter also, while confirming the original charter, provides for an honourable sustenance to the vicar who served the church of Wemyss on behalf of

[1] Liber de Melros, vol. i. p. 195; vol. ii. p. 459.

[2] Charters of the Collegiate Churches of Midlothian, p. 13.

[3] *Ibid.* p. 25.

the brethren of Soutra, and for the continued payment of a pension annually due from the church of Wemyss to the church of Dysart.[1]

John of Methil from time to time witnessed various charters by Malcolm, Earl of Fife, and others, but as these have no special connection with his history they need not here be detailed.[2] An occasion of more importance was his presence at the settlement of a dispute between the prior and monks of May and Duncan of Inchesireth (Inchyra) as to the privilege of fishing or drawing a net in the river Tay. The agreement was ratified by the seals of Duncan, the prior of May and the abbot of Scone, and attested by John, son of Michael, and various others, among whom appear a number of Flemings, probably attendants of the Perthshire abbot.[3]

The agreement in question was made about the year 1231, and between that date and the year 1240 John of Methil received the rank of knighthood. In that year, as John of Methil, knight, he gave his testimony on behalf of the canons of St. Andrews in a dispute between them and John, son of Duncan of Inchyra, as to the patronage of the church of Rossie. The question was referred to the bishop of St. Andrews, who decided that the patronage of the church should remain with the canons, while John of Inchyra was to be their tenant in the lands. This decision was given by Bishop William Malvoisin, shortly before his death in 1238, and remained unrecorded until, upon the evidence produced for the canons by Peter, abbot of Cambuskenneth, Sir John of Methil, and others, it was affirmed by Bishop David in the year 1240.[4]

[1] Charters of the Collegiate Churches of Midlothian, p. 34. The charter is dated at Tyninghame, 9th January 1261-2. Sir John of Wemyss also appears as witness to a charter by Malise, Earl of Strathern, without date, but perhaps about 1258. [Liber Insule Missarum, p. xxxiv.]

[2] Cf. Carte de Northberwic, p. 9; Registrum Sancti Andree, p. 272; Registrum de Dunfermelyn, p. 101; Registrum Magni Sigilli, vol. iii. No. 2132. In the later of these writs he is called John of Methil and not son of Michael.

[3] Their names occur in the Liber de Scon. Many Flemings had settled in Perth and district.

[4] Registrum Sancti Andree, p. 162. The

The next notice on record of Sir John of Wemyss is on the eve of the battle of Largs in 1263, and is of a somewhat peculiar character. He is described by the historian Bower, who is the first to tell the story, as a brave knight, but he was not with his countrymen on the battlefield, being now well advanced in life, and at the time suffering from an aguish fever. While under the effects of this malady, Sir John fell into a grateful slumber and had a vivid dream. He thought he stood in the north porch of the church of Dunfermline, when a lady of great beauty, in royal robes, suddenly entered the building. She led by the hand a noble-looking knight, clothed in shining armour, a sword at his girdle, and a crowned helmet on his head. The pair were followed by three other knights, gay and active, dressed in similar brilliant armour. Sir John, transported at the sight of so much beauty and valour, begged of the lady to reveal who she was, and who were her companions. The lady replied, "I am Margaret, formerly Queen of Scotland, this is Malcolm, my husband, and these are our three sons, kings of this realm while in the flesh, with whom I hasten to Largs to defend the country, and gain a victory over the tyrant who strives unjustly to subdue our realm." The unearthly visitants then disappeared, and Sir John, despite his ailment and the advice of those around him, determined to go to Dunfermline.[1] He was carried thither, related his dream to the prior, and showed his devotion by kissing the relics of the sainted queen. While thus engaged his malady left him, and ere he left the spot a messenger came with the joyful news of the victory gained over the Norwegians.

reddendo of the lands of Rossie was one measure of wine and a mark of silver yearly. Peter, abbot of Cambuskenneth, has hitherto been omitted from the list of abbots of that monastery. Cf. Cartulary of Cambuskenneth, Grampian Club, p. l.

[1] Fordun à Goodall, vol. ii. pp. 97, 98. Another account states that this determination was caused by a command of the shining visitant to go to her burial-place and he would be cured. [Liber Pluscardensis, p. 97.]

This is the last recorded act of Sir John of Methil and Wemyss.[1] The name of his wife is not known, but he had two sons [2]—

1. Michael, who succeeded, of whom a memoir follows.
2. John, who does not appear on record until about the year 1289, when he received from Sir John of Anesley, a Roxburghshire laird, a charter to himself and his wife, Amabilla, daughter of the granter, of the lands of Upper Cameron, with the common of Nether Cameron. The boundaries of the lands as given cannot be readily traced, but they marched at one point with the lands of Wemyss belonging to Sir Michael.[3] About the same date John Wemyss received from his nephew, David Wemyss, a grant of the lands of Wester or Little Raith, near Loch Gelly, with the privilege of taking fuel from the neighbouring lands of Powguild and others.[4]

   John Wemyss was succeeded in the lands of Upper Cameron by his son David, who, about 1330, is described as Sir David Wemyss of Cameron,[5] and who, about 1332, received in addition the lands of Nether Cameron from his kinsman, Sir Michael of Wemyss, and also an annualrent of six merks from the grain-mill of Methil, to be enjoyed by himself and Dame Margaret, his wife.[6] Sir David Wemyss, with his kinsman, Sir Michael, joined the party of Edward Baliol after 1333, and took part in the siege of Lochleven Castle in 1335, narrated on a later page. He soon after, however,

[1] It has been stated that the John of Wemyss of 1261 and 1263 was a grandson of John of Methil, but this view is founded on an erroneous reading of the charters to Soutra, and is not supported by any evidence.

[2] Some genealogical writers assign to Sir John of Wemyss a third son, Hugh, who is said to be a witness to a charter in 1242. On reference to the authority cited, Hugh de Wemyss is resolved into Hugh de Beumes, a Forfarshire knight, whose name under various spellings occurs frequently at the period [Registrum Vetus de Aberbrothoc, p. 207].

[3] Vol. ii. of this work, p. 4.

[4] *Ibid.* pp. 8, 265.

[5] Registrum Sancti Andree, p. 399.

[6] Vol. ii. of this work, pp. 11-13.

gave in his adhesion to the patriots in Scotland, and was with Sir Andrew Moray, the regent, and other barons at the siege of Falkland in February 1337, when the castle was taken and demolished.[1] Sir David had been appointed sheriff of Fife previous to this date, and continued to act as such until the year 1359.[2] It is probable that in that capacity, as well as in that of a vassal to the Earl of Fife, Sir David accompanied the regent on his march through Fife. Beginning at Falkland, the land round which was spoiled and the inhabitants put to ransom, the regent and his army advanced to St. Andrews, where they besieged the castle three weeks with powerful machines. The place surrendered on the last day of February, the lives and goods of the citizens being spared, though Bower states that the walls were thrown down and the fine buildings, constructed with much art, were devoured by fire. The castle of Leuchars also was taken, and the regent then proceeded to invest his own castle of Bothwell, in Lanarkshire, which, like many other Scottish strongholds, had been garrisoned by the English.[3]

It may have been about this time, but more probably at a later date, that Sir David Wemyss received from the Earl of Fife a grant of the lands of Wester Reres to himself and his spouse.[4] In 1357 he appears as one of those Scottish barons who bound themselves to secure the fulfilment of the treaties with England on the occasion of King David Bruce's libera-

[1] Sir David Wemyss, sheriff of Fife, is a witness to a charter by Duncan, Earl of Fife, at Falkland, in February 1337. Cf. The Douglas Book, by William Fraser, C.B., vol. iii. p. 392.

[2] Exchequer Rolls, vol. i. pp. 559-563. Sir David's account, as sheriff of Fife, was rendered on 22d March 1358-9, and embraced a period of about sixteen years, or from 1343.

[3] Fordun, edition 1871, vol. i. p. 362; Fordun à Goodall, vol. ii. p. 324.

[4] Robertson's Index of Missing Charters, p. 39, No. 43.

tion from captivity, and his eldest son, David, was one of the hostages for payment of the king's ransom.[1] Sir David Wemyss, in his later years, was a recipient of a life pension from the crown of twenty merks yearly, payment of which is recorded at intervals from 1364 until his death in the latter half of the year 1375.[2] Sir David seems to have survived his eldest son, of whom nothing more is heard after his entering England as a hostage. Probably on this account, as well as for other reasons, Sir David, in January 1374, resigned his lands in the hands of his superiors, in favour of his kinsman, John Wemyss of Kincaldrum, who, as shown in a later memoir, was the nearest heir-male of the family of Wemyss.[3] The lands resigned are not named, but it would appear from other evidence that Sir David held Reres from the Earl of Fife, and Cameron, with part of Methil, from the heirs-portioners, between whom the ancient territory of Wemyss had become divided, as detailed in a later memoir.

Sir David Wemyss, sheriff of Fife, was apparently twice married. The Christian name only of his first wife, Dame Margaret, is given in the charter of 1332. At a later date, about 1358, he takes credit in his official accounts for a payment of £8 to his second wife, Dame Isobel Crichton, made by order of the chamberlain, Thomas, Earl of Mar.[4] Sir David Wemyss had two sons. The eldest, David, became a hostage for King David Bruce, and was delivered to the custody of the sheriff of Northumberland about November 1358.[5] Nothing further has been ascertained regarding him, and he probably predeceased his father.

[1] Fœdera, vol. iii. pp. 281, 373, 378.

[2] Exchequer Rolls, vol. ii. pp. 137, 436, 461, 502.

[3] Vol. ii. of this work, p. 15.

[4] Exchequer Rolls, vol. i. p. 562.

[5] Fœdera, vol. iii. pp. 410, 411.

The other son of Sir David Wemyss was named Duncan, who, in 1389, describes himself as son and heir of the late Sir David Wemyss of Cameron. In 1376 and 1389, he and John Wemyss of Kincaldrum entered into special agreements as to Reres and other lands, the result of which transaction was to leave John Wemyss in possession of the property, while Duncan received an allowance to sustain him during his life.[1] After 1389 he disappears from the history of the family, and probably died without issue.[2]

[1] Vol. ii. of this work, pp. 16, 23.

[2] In an old inventory of writs at Wemyss is an entry referring to an instrument "betuix Schir John Wemis, knyght, laird of Reres, and Thomas, sone to Duncan," as to an old lease to him of the lands of Strathardle, dated 1st July 1417. This Thomas may have been a son of the Duncan Wemyss named in the text, but there is no proof of the fact.

Seal of John, son of Michael, *c.* 1230; per pale, the sinister marked with lines crossing each other dexter and sinister bendwise, a chevron surmounted of another reversed.

III.—Sir Michael Wemyss of Wemyss.

Circa 1265—*circa* 1319.

Sir Michael appears on record first as a consenting party and also as a witness to the charter by his father, John of Methil, to the monks of May. This charter has already been cited, and was granted not later than 1231. Michael of Wemyss, however, was then probably very young, as nothing further is found on record regarding him, until he appears as a witness to a charter, dated about 1280, by Sir Malcolm Murray to his son William, of the lands of Lanbride, in the shire of Elgin.[1] Sir Michael appears as a witness to various charters by his son David Wemyss between 1289 and 1296.[2] He is usually said to have been conjoined with Sir Michael Scott as an ambassador to Norway to bring to Scotland the Princess Margaret, the granddaughter of King Alexander the Third, as queen of Scotland, but Wyntown, whose connection with the Wemyss family was intimate, states that it was Sir David, son of Sir Michael, who was the ambassador.[3] This seems the more probable, as Sir Michael must then have been well advanced in life.

If, however, he did not go to Norway, Sir Michael Wemyss took a prominent part in public affairs at home. He was one of those Scottish barons who assembled at the great convention held near Norham in June 1291, when the competitors for the crown of Scotland acknowledged the supremacy of King Edward the First, and the Scottish fortresses were surrendered. Sir Michael was also one of the forty commissioners chosen on behalf of Baliol to meet with a similar number chosen by Bruce and others nominated by the English king, to consider and report upon the claims of the competitors, and his name

[1] Registrum Moraviense, p. 461.

[2] Vol. ii. of this work, pp. 9, 265.

[3] Fordun, edition 1871, vol. i. p. 311. Wyntownis Cronykil, B. viii. c. 1.

appears upon their testimonial authorising the king to give judgment.[1] This testimonial was issued in June 1292, and in the following December Sir Michael Wemyss was present at Newcastle-on-Tyne, and affixed his seal to an attestation of King John Baliol's fealty to Edward.[2]

Sir Michael, however, while he thus favoured the claims of Baliol, and acknowledged him as king of Scotland, does not appear among those who at this time did homage to the English king, although some of his neighbours in Fifeshire took the oaths.[3]

King John Baliol's brief and unfortunate career as king of Scotland is well known. He had acknowledged the English king as his suzerain, but Edward's policy towards his vassal was so insulting, that the Scots renounced all fealty and allegiance to Edward, entered into a league with France, and determined on war with England. Unfortunately, the state of faction in Scotland prevented united action, and the English king gained an easy advantage. The attack upon and sack of Berwick, in March 1296, was followed by the defeat of the Scottish army at Dunbar, and the victorious march of Edward over a great portion of Scotland. Disheartened by the defeat of their army, the Scottish nobles and barons submitted to the conqueror, and gathered to the court of Edward held at Berwick in August 1296.

Among them came Sir Michael Wemyss and his son Sir David. Sir Michael, however, had met with Edward at Stirling in the previous June. During his march through Scotland the English king came to Stirling Castle, which was surrendered to him by its sole remaining guardian, the porter; and while he remained there, various local magnates did homage, including Malise, Earl of Strathern, who came "to the peace" on the fifth day. On the same day Sir Michael Wemyss appeared, and, like the others, swore on the gospels to

[1] Fœdera, vol. i. pp. 764-767; Palgrave's Historical Documents, pp. 52-55.

[2] Fœdera, vol. i. pp. 782, 783. Calendar of Documents relating to Scotland, vol. ii. pp. 152, 155, 552.

[3] Fœdera, vol. i. pp. 772, 773.

renounce the league with France and to obey King Edward.[1] Whether this implies that Sir Michael held lands near Stirling is not clear, but it is probable,[2] as the king, in his journeyings, halted at Markinch, in Fife, a place much more convenient for Sir Michael's attendance from his castle of Wemyss in the adjoining parish.

The homage and oath thus given were repeated at the so-called Parliament at Berwick. On this occasion Sir Michael seems to have sworn fealty twice. His name appears on one portion of the Ragman Roll as Sir Michael of Wemyss of the county of Fife, no doubt for his lands of Wemyss and others there. But the name Michael of Wemyss, without the knightly prefix, occurs both on the roll and on a separate parchment, with other names, of whom two at least held lands in the north of England.[3] If this be Sir Michael, or even one of his family, it would suggest that the lands which they originally held in the south of Scotland still remained in their possession.

In the following month of May Sir Michael and his son David, with several other Scottish barons north of the Forth, received a summons to accompany the English king on his expedition to Flanders.[4] There is no evidence to show whether they obeyed this mandate or not, nor is there any clear indication what part Sir Michael took in the war of independence, or whether he supported the patriotic movement of Wallace,[5] though there is reason to believe that he was no warm adherent of the English rule. King Edward, in his determination to complete the subjugation of Scotland, finding that the

[1] Calendar of Documents relating to Scotland, vol. ii. p. 194; cf. Stevenson's Historical Documents, vol. ii. p. 28.

[2] In a charter about this date by David Wemyss, son of Sir Michael, he mentions among his possessions the lands of "Eglisdekin," in Menteith. Vol. ii. of this work, pp. 5-7.

[3] Calendar, *ut supra*, vol. ii. pp. 187, 194, 211.

[4] *Ibid.* p. 232; Stevenson's Historical Documents, vol. ii. p. 169.

[5] A Michael de Wymes or Wemyss is referred to as one of the knights or men-at-arms in King Edward's army in 1300, but he does not appear to be identical with Sir Michael. He may have been a kinsman.

spirit of the nation was still strongly opposed to his sway, resolved to march north in person with an army large enough to stamp out all resistance. He remained in Scotland for a year from June 1303, and during that period his army overran a large portion of the country. In the month of March 1304 Edward made a progress through Fife, and remained for at least a day and night at Wemyss. From this place he dictated a summons to Sir Nicholas Hay and others to attend a Parliament at St. Andrews, and also a letter to the Prince of Wales, directing him how to proceed against the Scots north of the Forth.[1]

This sojourn of the English monarch at Wemyss shows that the castle there was at that date sufficiently commodious for his residence. The king afterwards refers to it as the manor where he "lay." Sir Michael, if present during Edward's stay there, was doubtless rather constrained into hospitality than warm in his welcome. A year or two later, when King Robert Bruce came forward in defence of Scottish nationality, Sir Michael of Wemyss seems to have joined his standard. This last offence so roused the ire of the English king that he issued a mandate to Sir Aymer de Valence, of which a translation is here given from the original Norman French :—

Edward, etc., to our dear cousin and faithful Eymar de Valance, greeting—Seeing that we have not found in Sir Michel of Wymes good word or good service, and that he has now well shown himself to us in such wise, that we hold him a traitor and our enemy; we command you that ye cause his manor where we lay, and all his other manors, to be burned, his lands and his goods to be destroyed and his gardens to be stripped bare, that nothing remain, and all other such may take warning; and we will have such regard to the person or persons on whom we intend to bestow his lands, that as to this burning, wasting, and stripping, they shall with reason hold themselves well content. And as to Sir Gilbert de la Haye, to whom we showed great courtesy when he was lately with us in London, and in whom we thought we could well trust, and whom we have now found to be a traitor and our enemy, we enjoin you to cause burn all his manors and houses, destroy all his lands and goods, and strip all his gardens, that nothing remain, and that worse be done to him, if worse be possible,

[1] Calendar, *ut supra*, vol. ii. pp. 383, 384; Stevenson's Historical Documents, vol. ii. pp. 471-473.

than is said before of Sir Michel, as of our traitor and enemy. . . . And we pray you, fair cousin, as we confide in you, our lieutenant in these parts, ye do this so speedily and so openly that we may know your good will therein. And we thank you as much as we can for what you have done. Given under our privy seal, at Markeyatt, 19th June [1306].[1]

The Sir Gilbert Hay here threatened with King Edward's vengeance was one of the first of the Scottish magnates to join the standard of Bruce, and as Sir Michael of Wemyss and he are included in the same condemnation, it is probable they had committed the same offence. The histories and records of the reign of Bruce are extremely meagre, and there is no evidence to show whether the destruction so peremptorily ordered was fully carried out. But the probability is that the order had been fulfilled. On the very day on which the order was dated, Sir Aymer de Valence, also known as Earl of Pembroke, defeated Bruce at Methven, and for a time Scotland was at his mercy, while the severity exercised towards the adherents of Bruce when captured, corroborates the belief that the castle of Wemyss also suffered.

There is further evidence of King Edward's intention to dispossess Sir Michael of his lands, and bestow them upon others. When it was known that the English king meditated an invasion of Scotland, many applications were made to him for lands there, the owners of which were to be dispossessed. Thus the lands of Sir Gilbert Hay were destined for Sir Hugh le Despencer, and Sir Alexander Cheverel and another knight made request through Sir Aymer de Valence for the lands of Sir Michael Wemyss and his son Sir David.[2] The application thus made seems to refer only to the lands in Fifeshire, which at that date were extensive, a supposition warranted by another request in which Sir Michael was concerned. On the 2d of June 1306, John of Weston, a clerk, prayed the king to give him the part of Clifton in

[1] Original mandate in Public Record Office, London. Printed in National MSS. of Scotland, Part II. No. xiv.

[2] Calendar, *ut supra*, vol. ii. p. 480; cf. Palgrave's Historical Documents, p. 301.

Roxburghshire, which belonged to John Somerville, and the lands of Sir Michael Wemyss, Sir William Somerville, Sir Alexander Fraser, and Sir Alexander Lindsay, in the county of Edinburgh, this request also being supported by Sir Aymer de Valence.[1] The proposed transference of Sir Michael's lands, however, was not carried out, as the disposal of them was deferred until the English king's personal presence in Scotland, an event which never took place, as he died in June 1307, before he passed the Border.

The further history of Sir Michael Wemyss is only to be learned from occasional references in charters and similar documents. He appears along with Sir Thomas Randolph, Bernard, the Scottish chancellor, and others, as attesting the verdict of a local jury in a dispute between the abbot of Lindores and the men of Newburgh, tried before Sir Robert Keith, marischal of Scotland and justiciary between the Forth and the Grampians. The men of Newburgh refused to pay a sum of one merk claimed by the convent from the kiln and an acre of land, unless it were proved on inquiry that the payment was of use and wont. A jury was called and accepted by the townsmen, except one, who was rejected as a servant of the convent. The others were then sworn, and after deliberation gave their opinion that the yearly payment had been made beyond living memory, until the townsmen within the past five years had withdrawn the rent. This decision was read in presence of Sir Robert Keith, the abbot and convent, and the townsmen, and Sir Michael Wemyss added his seal as a witness along with the dignitaries named, and others.[2]

Sir Michael was also, with his son and grandson, a witness to a charter of the lands of Forthir, granted to John Ramsay, son of Ness Ramsay, about the year 1316.[3] A year or two later he was a witness

[1] Cf. Palgrave's Historical Documents, p. 305.

[2] Liber de Lundoris, pp. 11, 13. The original writ is not known to exist.

[3] Original writ at Crawford Priory. Historical Commission Report, No. viii. p. 305.

to a charter by King Robert the Bruce, granting to the monks of Balmerino the fishery of Stok on the Tay, dated at Perth on 12th July 1317.[1] The last event recorded of Sir Michael of Wemyss, so far as has been ascertained, was his being chosen as an arbiter in a dispute between the monks of Dunfermline and the portioners of Fythkill or Leslie, as to the marches between that barony and the convent's lands of Goatmilk and Caskieberran. The question had been long debated, and, as was believed, finally settled by a perambulation under the direction of prominent officials, and the sheriff of Fife, Sir David Barclay, was instructed to preserve the bounds thus indicated. Two of the portioners, however, were dissatisfied, and craved a brieve of disseisin against the monks, upon which it was resolved to settle the matter by arbitration. Eight arbiters were chosen on each side, Sir David Wemyss and others for the portioners of Leslie, while Sir Michael Wemyss the elder, with seven others, represented the monks, six of the arbiters at least to form a quorum. Sir Michael, however, was not one of the six arbiters who met at Newbattle on 13th March 1319, to decide the question, when a verdict was given confirming the perambulation. He probably died in that year, as no later reference to him has been found, and he must have been a very old man.

The name of the wife of this Sir Michael Wemyss has not been ascertained. He was succeeded by his son David, the only son who has been found on record. Of him a memoir follows.

[1] Liber de Balmerinach, p. 44. Sir Michael Wemyss is also said to have granted a quit-claim to John Inglis of Inglistarvit, but it is doubtful if it be not his grandson of the same name. Vol. ii. of this work, p. 9.

"Sigilum Secreti." Private signet of Sir Michael Wemyss, 1292, 1296.

IV.—Sir David Wemyss of Wemyss,
the Ambassador to Norway in 1290.

Annabella Sinclair, his first wife.

Marjory Ramsay, his second wife.

Circa 1319—*circa* 1330.

Sir David Wemyss first appears on record about the year 1290, when he granted to Annabella, daughter of Sir William St. Clair, and widow of the late Sir Robert Bisset, and to the heirs of Sir David and Annabella, certain lands in the barony of Lochore. These lands included rights over Balbedie, Capildray, Strathruddie, in Fife; Ardargie, in Perthshire; Wester Dron, which belonged to Sir David Lochore; also the half of "Eglisdikin," in the earldom of Menteith.[1] How these lands in the shires of Fife and Perth came into possession of the Wemyss family has not been clearly ascertained. The probability is that they had been acquired by marriage with one of two heiresses of the family of Lochore of that ilk, whose ruined castle still stands as a memorial of them in the parish of Ballingry.

Sir David Wemyss in another writ, dated about the same time, describes himself as lord of the half lands of Sir David, late lord of Lochore. Sir David Lochore was sheriff of Perthshire about 1255. The estate of Lochore, according to Sibbald, or part of it, passed about the time of King Robert Bruce to "the son of a gentleman, Adam de Valoniis (Valance), who had married a daughter of the barons of Lochor," a statement borne out by other evidence, as it appears from a grant made by Sir David Wemyss that the mill of Lochore was the common property of him and Adam de Valoniis.[2]

[1] Vol. ii. of this work, pp. 5-7.

[2] *Ibid.* pp. 8, 265; Sibbald's History of Fife, edition 1803, p. 374.

At the time the grants referred to were made, the kingdom of Scotland was in a state bordering on civil commotion. The death of King Alexander the Third, in 1286, had opened the succession to the crown of Scotland to his sole surviving descendant and grandchild, Margaret, the young princess of Norway, then little more than three years old. The events which followed need not here be detailed, but disturbances arose in various parts of the kingdom, and the Estates of Scotland, urged on by the diplomacy of King Edward the First, after preliminary negotiations, sent a special letter to the King of Norway desiring him to send his daughter to Scotland before 1st November 1290.[1] Great preparations were made to receive the young queen. A ship was fitted out at Yarmouth in a most sumptuous manner, and messengers from both kingdoms were despatched northward to accompany the royal child from Norway to Scotland.

According to Fordun, Sir Michael of Wemyss was one of those sent from Scotland on this mission, but Wyntown, writing, no doubt, with more accurate information, from his connection with the Wemyss family, says that it was Sir David Wemyss who thus represented his country.[2] Sir Michael Scott of Balwearie, another Fifeshire laird, was the other commissioner, but no record or evidence of any kind remains as to the preparations made or embassy sent from Scotland. The ambassadors, however, were unable to accomplish their mission successfully, as the young queen, having set sail from Norway for Scotland, was seized during her voyage with mortal illness, and died ere she reached the Orkney Islands. Instead of bringing the young maid of Norway, as she was called, to the capital of Scotland in triumph, the envoys brought only the intelligence of her untimely

[1] The letter was dated 18th March 1290. Fœdera, vol. i. p. 731.

[2] Cf. Fordun, edition 1871, vol. i. p. 311. Fordun à Goodall, vol. ii. p. 136; Wyntownis Cronykil, B. viii. c. i. The Book of Pluscarden [vol. i. p. 119] only makes a general reference to the ambassadors to Norway, and does not record their names.

death. According to the tradition of the Wemyss family, Sir David Wemyss received a recognition of his services from the King of Norway himself in the shape of a large silver basin, which is still preserved at Wemyss Castle as a cherished heirloom. The other ambassador was recompensed in the following year by the English king, who, as "superior lord" of Scotland, directed the guardians of that kingdom to fulfil to Sir Michael Scott their promise of recompence for his labour in going to Norway for the young queen.[1]

Sir David Wemyss is not again found on record until his name appears on the Ragman Roll in 1296.[2] He was summoned to attend King Edward to Flanders in 1297, but he must have joined for a time the ranks of the patriotic Scots, as at a later date he and his wife Marjory are referred to as rebels who have returned to their allegiance. In acknowledgment of their lately sworn fealty, Marjory's dower lands outside of Berwick are ordered to be restored to her and her husband.[3] From the date of this mandate it seems probable that the so-called "rebels" submitted to Edward about the time of his visit to Wemyss, referred to in the previous memoir.

Shortly afterwards Sir David Wemyss, with several other Fifeshire proprietors, appears on an inquest held at Perth before John, Earl of Athole, justiciary of Scotland from the Forth to the Orkneys. They were summoned to decide on a point in a plea between Malise, Earl of Strathern and Sir John Moubray. The jurors stated that they knew of no contract between the parties other than this, that the earl had been challenged by Sir John Moubray for ravaging his lands of Methven, and had compounded the matter by a fine.[4]

Sir David Wemyss probably gave an early adherence to King Robert the Bruce, as in June 1306 application was made to the

[1] 3d December 1291. Fœdera, vol. i. p. 758.

[2] Calendar of Documents relating to Scotland, vol. ii. p. 209.

[3] Calendar, *ut supra*, pp. 232, 400 [11th April 1304].

[4] September 17, 1304. Calendar, *ut supra*, pp. 413, 414.

English king for a grant of his lands as well as those of his father. But there is no other reference to Sir David during the time of Bruce's wars until the year 1312, when he appears as one of a large jury sitting at Cupar to inquire into the privileges, fees, and rights belonging to the office of constable of Crail. These were all fixed in detail, and the duties of the office carefully defined.[1] About 1316 Sir David Wemyss witnessed a charter to John Ramsay, and in the same year, with several other knights and freeholders, he was present when Duncan, Earl of Fife, no doubt with much pomp and ceremony, did homage to the Abbot of Dunfermline before the great altar of the monastery.[2]

Sir David was again at Dunfermline in July 1317,[3] and two years later he acted as king's lieutenant, specially appointed in regard to the perambulation of the marches of Leslie, and the subsequent dispute, narrated in the previous memoir.[4] About the year 1320, Sir David appears to have succeeded his father, and in that year, with other barons of Scotland, he joined in the famous letter to the Pope, in which the heads of the national party set forth so powerfully their claims to liberty and national rights.[5]

Sir David Wemyss survived his father little more than ten years, and during that interval appears but seldom on record. Some time after 1321, he confirmed to the hospital of Soutra the grant of the church of Wemyss made by his grandfather, Sir John. The terms of this writ are more precise than those granted by Sir David's predecessors, the boundaries of the church lands being for the first time defined as follows:—From the west part of that land which is called Drumdynmond, as a certain sike descends to the sea towards the east, by the sea-shore as far as a certain rivulet on the east side, and by the same rivulet ascending towards the west to the ford Tirry[bog], and

[1] Recognition by the jury, made at the command of King Robert the Bruce, at Cupar, 9th October 1312. Original *penes* the Earl of Lindsay, at Kilconquhar.

[2] Registrum de Dunfermelyn, p. 236.

[3] *Ibid.* p. 237.

[4] *Ibid.* p. 239.

[5] Acts of the Parliaments of Scotland, vol. i. p. 114.

from that ford by the bounds of the church lands and the malt kiln towards the south as far as a certain stone placed for a just limit near the waterfall of Drumdynmond into the sea, as the said church exists of old, feued with pasture for the cattle of the monks and their men, within the granter's land of Wemyss. Sir David further gave licence to the brethren or their men to make malt and sell it to his own men or others; with the privilege of taking what heather, turf, and peat might be necessary from his moor, with other freedoms formerly held by their predecessors, rectors of the church of Wemyss.[1]

In 1326, Sir David Wemyss was witness to a charter by Sir Thomas Randolph, Earl of Moray, granting lands to the monks of Dunfermline, and providing for masses to be said for him during his life and after his death, whether his body were buried in the abbey or not.[2] Sir David is also a witness to other charters about the same period.[3] He seems to have acted as one of the stewards of the bishopric of St. Andrews for a short time during the vacancy of the see in 1328, receiving for his services at Pentecost of that year the sum of 66s. 8d.[4] In July of the same year he received from King Robert Bruce a charter to himself and Marjory, his wife, of the lands of Glassmonth, near Kinghorn. He appears to have died before 1330, certainly before 1332.[5] His seal, which was appended to the letter to the Pope, has been lost.

Sir David Wemyss was twice married. His charter to Annabella St. Clair does not expressly refer to their marriage as having been actually celebrated, but they may have been husband and wife at the date of the writ, which is somewhat uncertain. The marriage cannot, however, have taken place before 1290, as Sir Robert Bisset, Annabella's first husband, was still alive in March of that year. He was

[1] Collegiate Churches of Midlothian, pp. 46, 47.

[2] Registrum de Morton, vol. ii. p. 27.

[3] *Ibid.* p. 38; Liber de Balmerinach, p. 34; Registrum Sancti Andree, p. 399.

[4] Exchequer Rolls, vol. i. p. 109.

[5] Vol. ii. of this work, pp. 265, 266.

dead before Easter 1296.[1] Some time previous to 1304, Sir David married Marjory Ramsay as his second wife. Sir David in one of his charters refers to Walter Ramsay as his father-in-law. Marjory Wemyss was still alive in 1328.

Sir David Wemyss appears to have had at least two sons.

1. Sir Michael, who succeeded him, and of whom a memoir follows.
2. John, who in former pedigrees is stated to be the son of Sir Michael, the subject of the following memoir, though Crawford makes him the son, and not the grandson, of Sir David, which is more consistent with the ascertained facts.[2] John Wemyss received from King Robert Bruce a charter of one-third of the barony of Leuchars, another third being bestowed about the same time on Hay of Tulibothvile, while the remaining portion was at a later date in the hands of Robert Stewart, Earl of Fife. This grant must have been made before 1329, and may have been of a much earlier date, as Leuchars was part of the Scottish estates of an English baron, Alan, or Oliver de la Zouche, who was forfeited for adherence to the English king.[3] John Wemyss also received from Sir Alexander Abernethy the lands of Kincaldrum or Kingoldrum in Forfarshire.[4] The date of this grant is uncertain, but Sir Alexander Abernethy was certainly dead before 1329, and is believed to have died not long after the year 1315.[5] These dates militate against the probability that John Wemyss of Kincaldrum was a grandson of Sir David Wemyss. Further,

[1] Vol. ii. of this work, p. 6; cf. Calendar of Documents relating to Scotland, vol. ii. Nos. 415, 736, 1075.

[2] Crawford's Peerage, p. 488.

[3] Robertson's Index of Missing Charters, p. 19, No. 110. Cf. *Ibid.* p. 20, No. 119; p. 58, No. 11[2]; History of the Carnegies, Earls of Southesk, by William Fraser, p. 490; Calendar of Documents relating to Scotland, vol. ii., No. 824(5).

[4] Referred to in Charter by King Robert III., vol. ii. of this work, p. 29.

[5] Andrew Stuart's Genealogy of the Stewarts, p. 430; The Frasers of Philorth, vol. ii. p. 26.

as will be shown in the next memoir, it is doubtful if Sir Michael Wemyss, the reputed father of John Wemyss, had any surviving male issue. John Wemyss of Kincaldrum also apparently received the lands of Glassmonth from his father, Sir David, or his brother, Sir Michael, as some time after 1330 he disposed of them to Alexander Nisbet.[1] He must also have received the half mill of Lochore, as his grandson was in possession of the lands about 1372.[2] John Wemyss attained the rank of knighthood, but the records of the period are so imperfect, and the family writs of that date are so few, that his career cannot be traced. In a crown charter of 1392, however, he is described as the late Sir John Wemyss.[3] He is said by the peerage writers to have had a son named David, but of this no charter evidence has been found. There is evidence, however, that he was succeeded in his lands and baronies of Leuchars and Kincaldrum by his grandson John, afterwards Sir John Wemyss of Leuchars, Kincaldrum, and Reres.[4] This second Sir John, in default of male issue of his granduncle, Sir Michael Wemyss, became heir-male of the family, and, by his marriage with Isabel Erskine of Inchmartine, a great-grand-daughter of Sir Michael, acquired a part of the lands of Wemyss, as detailed in later memoirs.

[1] Robertson's Index, p. 46, No. 54.
[2] Registrum Magni Sigilli, ed. 1814, p. 116.
[3] Vol. ii. of this work, p. 29.
[4] *Ibid.*

V.—Sir Michael Wemyss of Wemyss.

Married, but name of his wife unknown.

Circa 1330—*circa* 1342.

Sir Michael Wemyss, who succeeded his father in 1330, first appears on record about the year 1316 as a witness to various charters along with his father and grandfather.[1] He had then attained the rank of knighthood. He also appears as a witness to various charters between 1321 and 1330.[2] Between the years 1328 and 1332, and after his father's death, Sir Michael received from Duncan, Earl of Fife, grants of the lands of Wester Dron and Monethy, in Fifeshire.[3] Sir Michael also, about the same time, granted to his kinsman, Sir David Wemyss, the lands of Nether Cameron, with the mill, and an annualrent of six merks from the grain mill of Methil.[4] He further confirmed the grant made by his father, Sir David, to the monks of Soutra.[5] To the charter of confirmation, Sir Thomas Randolph, Earl of Moray, with other magnates, was a witness, a fact to which later events give an unfortunate importance.

Sir Michael Wemyss had not long succeeded to his ancestral domains ere a fateful incident occurred which seriously affected the welfare of Scotland, by plunging the country into the horrors of war. The Anglo-Scottish barons who held lands both in England and Scotland, and who had been forfeited by King Robert Bruce, now after his death resolved if possible to regain their Scottish territories. Scotland, during the minority of King David the Second was enjoying peace under the firm rule of Randolph, Earl of Moray, as regent, when application was made to him through the English king on behalf

[1] Cf. Historical Commission Report, No. viii. p. 305; Registrum de Dunfermelyn, p. 236.

[2] Registrum Sancti Andree, p. 399; Charters of the Collegiate Churches of Midlothian, p. 46; Registrum de Morton, p. 38.

[3] Vol. ii. of this work, pp. 265, 266.

[4] *Ibid.* pp. 11-13.

[5] Charters of the Collegiate Churches of Midlothian, p. 46-48.

of the disinherited barons.[1] Randolph returned a courteous reply, but, for obvious reasons, did not immediately accede to the demand. The disinherited lords then put forward Edward Baliol, son of King John Baliol, as their head, and in his name mustered their vassals with intent to invade Scotland.

It was at the moment when their plans were almost complete that Randolph, the man in Scotland most formidable to their purpose, died with comparative suddenness at Musselburgh, on 20th July 1332. According to Wyntown it was under Sir Michael's roof that the regent was seized with the fatal illness which caused his death.[2] This event happening at such a crisis gave rise to suspicions of foul play, and all the Scottish historians declare that the regent was poisoned. Barbour, who was almost a contemporary, is the first to make the assertion. He quotes the evidence of old men in praise of the regent's government, and adds, no doubt on the same authority—

> Bot syn, alas! pusonit was he,
> To se his ded was gret pite.[3]

Fordun simply relates the fact of the regent's death, without comment,[4] but Wyntown repeats Barbour's statement, with additions. Referring to the disinherited barons and their fear of the regent, the chronicler concludes:—

> Tharfore wyth slycht thai thowcht to gere
> Hym wyth wenenows fell poysoun
> Be destroyid and fel treasown.
> And that thai browcht swn til endyng
> Be swm tresownabil wndertakyng;
> For at the Wemys by the se
> Poysowned at a fest was he.

[1] Fœdera, vol. ii. p. 837. 22d April 1332.

[2] Wyntownis Cronykil, B. viii. c. xxv.

[3] The Bruce, Spalding Club, p. 488. Barbour was born a few years after Bannockburn, in 1314, and would thus be some years old at the regent's decease; he himself died about 1395.

[4] Fordun, edition 1871, vol. i. p. 354.

Wyntown thus implies that the hospitality of Sir Michael Wemyss had been abused by the agent of the alleged conspirators.[1]

The later historian, Bower, also makes the same assertion, which shows that a belief then prevailed that Randolph met his death by poison.[2] Boece, on the other hand, in relating the circumstances of the regent's death, states that the monk or chaplain who is credited with causing the fatal result, pretended to have a cure for the stone, with which disease Randolph was afflicted. The medicine administered worked slowly but fatally, and at the regent's death, some days afterwards, the physicians pronounced he had been poisoned.[3] Boece's history is not usually counted trustworthy, and the theory founded upon his narrative by Lord Hailes, that Randolph simply died of the stone, has been scouted by a modern historian.[4] All the chroniclers, however, agree that the regent lived for some time after his alleged poisoning, and even made a military march towards the English border in consequence of the threatened invasion. It is further added that finding his disease gaining upon him, he ordered himself to be borne towards Edinburgh, but only reached Musselburgh, where, having received the rites of the church, he peacefully expired on 20th July 1332. It is somewhat difficult to reconcile the authorities on the subject, but the weight of evidence seems to show that Randolph was really afflicted with an enfeebling malady, against which he struggled bravely, but to which he finally succumbed. That malady may have been the stone, and Wyntown's reference to the feast at the Wemyss may only imply that it was during his stay there

[1] Wyntownis Cronykil, B. viii. c. xxv. As already noted, Sir Thomas Randolph, Earl of Moray, appears as a witness to a charter by Sir Michael Wemyss, granted about 1332 to the monks of Soutra, and may have been Sir Michael's guest on that occasion. James, bishop of St. Andrews, Duncan, Earl of Fife, and other barons were also present. [Charters of the Collegiate Churches of Midlothian, p. 48.]

[2] Fordun à Goodall, vol. ii. p. 303.

[3] Boece, edition 1574, lib. xv.

[4] Tytler's History of Scotland, vol. i., notes, pp. 491-493.

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that the regent's symptoms developed themselves in an aggravated form.[1]

After Randolph's death, events developed rapidly. Baliol and his allies, no doubt overjoyed at the news from Scotland, hastened to put their designs in execution. Debarred, nominally at least, from marching through England[2] they prepared to go by sea, and on 31st July, setting sail from the mouth of the Humber, they steered for the Firth of Forth. Nine days later, notwithstanding the efforts made by a small force under the Earl of Fife and Sir Alexander Seton to prevent it, they effected a landing at Kinghorn, not far from the residence of Sir Michael Wemyss. He would probably be one of the opposing party, who fought bravely, but were driven back by the deadly shafts of the English archers, Sir Alexander Seton and some other gentlemen being killed.[3]

Baliol's force was at first very small, not exceeding five or six hundred men, and Wyntown says that at first the Scots laughed at an enterprise undertaken by so few. This mood, however, was terribly changed at Dupplin, where the newly elected regent, Donald, Earl of Mar, had collected an army of thirty thousand men. Aided by treachery, and favoured by the carelessness of the Scots themselves, Baliol's attack on this large force was followed by a dreadful defeat, in which the Regent Mar and various other Scottish magnates were slain, and a large number taken prisoners. The Earl of Fife led three hundred mail-clad knights to this fatal fray, all of whom were either taken captive with him, or slain. Doubtless Sir Michael Wemyss and his kinsman, Sir David, would be present among these; but they escaped

[1] Cf. Wyntown, *ut supra;* Fordun à Goodall, vol. ii. pp. 299; Liber Pluscardensis, 1877, vol. i. pp. 262, 263.

[2] A proclamation was issued by Edward the Third, on 9th August 1332, some days after the expedition sailed, forbidding the northern counties of England to break the peace with Scotland. [Fœdera, vol. ii. pp. 843, 844.]

[3] Fordun à Goodall, vol. ii. p. 304; Chronicon de Lanercost, p. 269; Wyntownis Cronykil, B. viii. c. xxvi.

at least with their lives, for they were among the thirteen knights who waited upon the earl when he assisted at the coronation of Baliol at Scone, and with him did homage to the new-made king.[1]

The Earl of Fife was made castellan of Perth on behalf of Baliol, but on the 7th October 1332 he became a captive to the party of Bruce, and was imprisoned for some time. Whether Sir Michael Wemyss in this case shared the fate of his overlord is not known, but they were together at the battle of Halidon in the following year, and Sir Michael was made prisoner by the English.[2]

How long Sir Michael remained a captive has not been ascertained. He was liberated on swearing fealty to the English king, Edward the Third, after Baliol had surrendered Scotland. He and his kinsman Sir David were still adherents of the English party in 1335, when they and their men assembled under the banner of Sir John Stirling to besiege Lochleven Castle. The history of this siege, which was unsuccessful, is somewhat peculiar, and is related in different ways by different authors. The castle was held on behalf of King David the Second by Sir Alan Vipont, with a small garrison, but the building was very strong. The besiegers began their labours about the end of March, and constructed a fort of turf and clay, surrounded by stakes, on the ground of the churchyard of Kinross, the nearest point to the castle, an act of sacrilege which is strongly condemned by the clerical historians who record it.

From this point the besiegers did their best to annoy the garrison of the castle, and also to lay waste the surrounding country. Finding, however, that their efforts produced no result, they conceived the idea of flooding the defenders out of the castle, and with this view it is said they compelled a large number of country people to build a

[1] Chronicon de Lanercost, p. 269. Baliol was crowned by the bishop of Dunkeld and the Earl of Fife on 24th or 27th September 1332, authorities differing as to the date.

[2] Knyghton, apud Twisden, pp. 2563, 2564.

bank of turf and clay across the lower end of the lake.[1] At this they laboured for a month or more, a watch being kept on the works. But about the middle of June Sir John Stirling and his chief leaders went to Dunfermline to keep the feast of St. Margaret. Taking advantage of their absence Sir Alan Vipont sent out four stout men, who, under cover of night, pierced the embankment in such a manner that the pent-up waters broke through and overwhelmed that portion of the English force encamped below the dam. The garrison then, while their enemies were panic-stricken, attacked the fort, put the besiegers to the rout, and plundered their stronghold.[2]

Such is the story told by Bower, but much doubt has been thrown on its probability. Yet he narrates the facts with such circumstantiality that it is almost impossible to doubt that some such attempt was made to dam the loch. Wyntown's narrative of the siege is simpler. He relates the same general incidents as Bower, but makes no reference to the dam. He states that the attack on the fort was made in consequence of the absence of Sir John Stirling becoming known to the beleaguered garrison. Sir John was very wroth at the defeat of his men, but though he made frantic attempts to retrieve his fame, he was obliged to make a treaty with the garrison, and retire.[3]

Sir Michael Wemyss survived this episode some years, but little more is recorded regarding him. He was still apparently favourable to the English party in 1336, when Edward the Third gave orders for provisions, to the value of forty merks, to be distributed to him and his men as a gift.[4] He appears as a witness to several charters granted by Duncan, Earl of Fife, and others, at Cupar and Loch Leven in

[1] According to another authority, the dam was thrown across at the "Gullatis," a name still borne by the outlet of Loch Leven at the source of the river Leven. [Extracta ex Cronicis Scocie, p. 165.]

[2] Fordun à Goodall, vol. ii. pp. 313-315.

[3] Wyntownis Cronykil, B. viii. c. xxix.

[4] Rotuli Scotiæ, vol. i. p. 411 b.

1339 and 1340, and also to a charter by Hugh, lord of Douglas, without date, but granted before 1342.[1] Sir Michael seems to have died not long after this, as no further trace of him has been found. He is not named among those who were killed or made prisoners at the battle of Durham in 1346, and therefore was probably dead before that year.

The name of his wife is unknown. He is usually said to have left three sons—(1) David, who was sheriff of Fife between 1337 and 1359; (2) John of Leuchars and Kincaldrum; and (3) Michael. But there is reason for believing that this is erroneous. Sir David Wemyss, the sheriff of Fife, appears to have been Sir Michael's cousin. John of Leuchars was his brother, and not his son, and of the third son, Michael, no trace has been found. On the other hand, there is strong probability that Sir Michael Wemyss left no surviving male issue, and that his large possessions came to be divided among his daughters, co-heiresses, apparently three in number, who carried their separate portions of their father's estates into the families of their respective husbands.

This view of the Wemyss pedigree, which differs materially from that represented by peerage-writers, is founded on the evidence of charters at Wemyss and elsewhere, which show that the estates were parted into three chief divisions. These again were subdivided into one-sixth or one-eighteenth parts, each subdivision, however, being a multiple of three, thus indicating that the estate must at one period have been divided amongst three co-heiresses. Unhappily, their names have not been ascertained, while the families into which they married can at best only be surmised.

To understand the evidence on the subject it will be necessary briefly to recapitulate the various estates which, so far as can be ascertained, were in the possession of Sir Michael Wemyss at his

[1] Registrum Honoris de Morton, pp. 39, 41, 93.

death. It has been shown that the estates of the family, from John of Methil downwards, comprehended Methil, Wemyss, or Wemyss-shire as it was called, and Nether Cameron; a large part of Lochore-shire, including Wester Raith, Glenniston and Powguild, near Loch Gelly, and Balbedie, Capledrae, Pitmuy and Strathruddie, all in Fifeshire. Besides these they held the lands of Ardargie, in the parish of Forgandenny, Perthshire, lands in Menteith, and the lands of Penshiel in East Lothian. To these were added, about 1332, the lands of Dron and Monethy, in Fife.[1]

Following the history of these lands it is found that about 1386, when charter evidence first becomes available, the lands of Methil and Nether Cameron, with Raith, Glenniston and Powguild, were in the hands of three superiors, Sir Alan Erskine of Inchmartin, Robert Livingstone of Drumry, and John Boswell.[2] It appears also from evidence, to be more fully detailed in a later memoir, that the portion of Sir Michael's estates chiefly held by the families of Inchmartin and Livingstone was the territory of Wemyss. The Boswells, on the other hand, appear to have held the lands in the ancient barony of Lochore, Balbedie, Strathruddie, and others. They also held a portion of Dron.[3] Other lands belonging to Sir Michael's estate were divided in a similar manner, but the information regarding them is less ample. Various portions of the lands named were at a later period more minutely subdivided, under circumstances to be detailed in a later memoir, but the facts stated above sufficiently warrant the probability that the three families of Inchmartin, Livingstone, and Boswell obtained their respective shares of the Wemyss estates by marriage with three co-heiresses.

The only one of the three co-heiresses regarding whom there is much evidence is the oldest, who is said to have been named Mar-

[1] Cf. vol. ii. of this work, pp. 5-9, 11, 265, 266.
[2] *Ibid.* pp. 18, 29, 30.
[3] Cf. Registrum Magni Sigilli, vol. ii. Nos. 218, 638.

garet. A writer, usually accurate, who had access to the charters of the family of Ogilvy of Inchmartin about 1700, states on their authority that in the time of King David the Second, Sir John Inchmartin, then lord of Inchmartin, obtained one-third of the Wemyss, with the principal manor, by marriage with Margaret, eldest daughter and co-heiress of Sir David Wemyss.[1] This statement strengthens the theory that the estates of Wemyss were parted among three co-heiresses, who must have been the daughters of Sir Michael Wemyss, as he, and not Sir David, was the last male of the elder line of his family. Other genealogical writers have alleged that the Margaret Wemyss who married Inchmartin was the only child and heiress of the Sir David Wemyss who died in 1375. But, as shown in an earlier memoir, that Sir David was only a cadet of the family of Wemyss, and the statement is erroneous on other grounds. Sir John Inchmartin was sheriff of Perth in 1328, and either he or his son Gilbert was among the slain at Durham in 1346.[2]

The daughter and heiress of Sir John Inchmartin and Margaret Wemyss, named Isabel, married, before 1362, Sir Alan Erskine, brother of Sir Robert Erskine, chamberlain of Scotland, and Sir Alan, in her right, became lord of Inchmartin.[3] He also, in right of his wife, became possessor of her portion of the Wemyss estate, which amounted to one-third, as she was the sole heiress of her mother, and there is evidence that Sir Alan Erskine was only one of three co-proprietors of the Wemyss.[4]

Isabel of Inchmartin and Sir Alan Erskine her husband, had two

[1] Crawford's Officers of State, p. 246.

[2] Bower, and the writer of the Book of Pluscarden, state that *Gilbert* de Inchmartin was slain at Durham. [Fordun à Goodall, vol. ii. p. 343; Liber Pluscardensis, 1877, vol. i. p. 295.] This may be a mistake for John, as no other reference to a Gilbert has been found, but Gilbert may have been son and heir of John, and dying without issue, his sister Isabel would be his heir.

[3] Vol. ii. of this work, pp. 13, 14. Cf. Historical MSS. Reports, No. 6, p. 714.

[4] Vol. ii. of this work, pp. 18, 29, 30.

daughters, co-heiresses. Of these two, the eldest, named Margaret, married Sir John Glen of Glen and Balmuto,[1] while the younger, named Isabel, became, about 1386, the wife of Sir John Wemyss of Kincaldrum and Reres,[2] who, as already indicated, had become the nearest heir-male of the family of Wemyss. Each of these two co-heiresses brought to her husband one-half of the barony of Inchmartin and one-half of their mother's portion of Wemyss; but there is evidence that though Sir John Wemyss and his wife, Isabel Erskine, had thus only a part of the territory of Wemyss in property, they occupied as tenants or otherwise at least two third parts. The portion of Wemyss which belonged to Margaret Erskine, who married Glen, was further divided at her death, as she and her husband had no male issue, but left three daughters, co-heiresses. These three co-heiresses and their respective husbands all held proprietary rights over portions of the Wemyss, but the whole subject of these rights will fall to be discussed on a later page.

The history and succession of the eldest co-heiress of Sir Michael Wemyss are sufficiently vouched, but the fortunes of the other two co-heiresses are more difficult to trace, as the charter evidence is not so ample. That one of the two married a Livingstone of Drumry seems proved by the fact that Robert Livingstone, apparently their son and successor, was in possession of one-third of the Wemyss, and in 1428 agreements were entered into between the son of Sir John Wemyss and Livingstone for a partition of their respective shares, which led to the distinction between East and West Wemyss.[3] Robert Livingstone was a minor in 1367, when his ward was granted by Isabella, Countess of Fife, to Alan Erskine of Inchmartin.[4] He was the son of John Livingstone of Drumry, who was probably

[1] Other pedigrees of the family make Margaret the younger daughter, but the Wemyss writs show the contrary. Cf. vol. ii. of this work, pp. 36 *et seq.*

[2] *Ibid.* p. 19. [3] *Ibid.* cf. pp. 18, 55. [4] *Ibid.* p. 14.

the husband of the second co-heiress of Wemyss, and died before 1367.[1]

The husband of the third co-heiress has not been clearly ascertained; but that the remaining third of the whole territory owned by Sir Michael Wemyss and his father, namely, the lands of Balbedie, Capledrae, Strathruddie and others, in the barony of Lochore, with parts of Dron, were at a later date in possession of the family of Boswell is proved by charter evidence.[2] Besides these lands, the Boswells held rights over Little Raith, Glenniston and Powguild, Nether Cameron and Methil, and so early as 1386 John Boswell was one of the three co-proprietors who granted charters of the portions of the Wemyss territory of which they were superiors, to Sir John Wemyss of Reres.[3] The other two superiors were Alan Erskine of Inchmartin and Robert Livingstone of Drumry, in whose hands Sir John Wemyss resigned the respective lands. John Boswell was therefore probably the son or grandson of the third co-heiress. Sibbald, in his history of Fife, states that Lochoreshire, of which Little Raith, Glenniston and Powguild, with Boswell's lands of Balbedie, Capledrae and Strathruddie formed part, remained in the possession of the family of Valoniis or Valence until inherited by three co-heiresses, the first of whom married Wardlaw of Torry, while the other two married respectively Roger Boswell and Livingstone of East Wemyss.[4] But, as

[1] The last mention on record of John Livingstone of Drumry is as a party to a mortgage of some lands near Lanark, dated there on 29th July 1364. [Registrum Magni Sigilli, edition 1814, p. 56.]

[2] Registrum Magni Sigilli, vol. ii. No. 638.

[3] Vol. ii. of this work, pp. 18, 29, 266; Liber de Melros, vol. ii. p. 458. The note of Boswell's charter given on p. 266, which is from MS. 34, 6, 24, in the Advocates' Library, Edinburgh, errs in describing John Boswell in 1386 as of Balmuto. The original charter, printed in the Liber de Melros, designs the granter simply as John Boswell. The laird of Balmuto, in 1386, was Sir John Glen, who married one of the co-heiresses of Inchmartin and Wemyss, and it was not until 1439 that a descendant of John Boswell obtained Balmuto from a son-in-law of Sir John Glen, in exchange for Dron. [Registrum Magni Sigilli, vol. ii. No. 217.]

[4] Sibbald, edition 1803, p. 374.

shown in the memoir of Sir David Wemyss, the ambassador, the lands of Lochore were divided before 1296, between him and Sir Adam Valance, and as the lands held by Sir David Wemyss were afterwards in possession of the Livingstones and the Boswells,[1] it is probable that the co-heiresses, to whom Sibbald refers, may have been the descendants of Sir David Wemyss. A similar remark applies to a statement which has been made on the authority of "Simson's MS. history from the family writs" of Boswell of Balmuto, that Roger Boswell, in the beginning of the reign of King David Bruce, married Mariotte, daughter and co-heiress of Sir William Lochore, and thus acquired the lands of Balbedie and others in Lochoreshire.[2] No charter evidence is adduced in support of Mr. Simson's assertion of earlier date than 1367, when Roger Boswell's son, John, was in possession, a fact which is otherwise corroborated by the Wemyss writs. The probability therefore is, that it was by one of the three co-heiresses of Wemyss that Boswell acquired the lands in question.

The partition of the Wemyss territory which thus took place on the death of Sir Michael Wemyss, continued for several generations. It was not until 1630 that the whole of the lands within what was called Wemyss-shire returned by purchase to the family of their original owners. Some of the Lochoreshire lands appear never to have been recovered.

[1] Sir John Boswell and Sir Robert Livingstone are described as lords of the barony of Lochore in 1395, in a perambulation of marches in that year, although Sir James Valence, whose daughters they are said to have married, was still living in the year 1398. Cf. Registrum Sancti Andree, pp. 3, 4; vol. ii. of this work, p. 32; Minutes of Mar Peerage Case, 1868, p. 88.

[2] Douglas's Baronage, p. 308.

VI.—Sir John Wemyss of Kincaldrum, Reres, and Wemyss.

Isabel Erskine of Inchmartin, his second wife (first unknown).

Christian Ogilvy (of Auchterhouse), his third wife.

1372—1428.

Sir John Wemyss, who flourished in the latter half of the fourteenth century and the beginning of the fifteenth as laird of Kincaldrum and Reres, and latterly of Wemyss, has already been shown in a previous memoir to be the grandson of Sir John Wemyss, first of Kincaldrum and Leuchars-Wemyss, who was the second son of Sir David Wemyss, the ambassador to Norway. John Wemyss is first named in a charter by King Robert the Second in 1372, as granting to Sir Andrew de Valoniis the half of the mill of Lochore, which seems to have descended from his great-grandfather, who, as formerly stated, was lord of the half lands of Lochore.[1]

In consequence of the failure of the elder male line of the family, John of Wemyss was, from and after 1374, recognised as the nearest heir-male, and his kinsmen of the Cameron branch made resignations in his favour in the hands of their various superiors. The first person to make such resignation was Sir David Wemyss, who was sheriff of Fife between 1337 and 1359. As already stated in a previous memoir, his eldest son was one of the hostages for King David the Second, and apparently predeceased his father. Sir David resigned, first, such lands as he held of the Earl of Fife, and, secondly, those lands he held of Sir Alan Erskine, one of the three portioners of the Wemyss. The lands are not named in the instrument of resignation, but from later writs it would appear that the lands which held

[1] Registrum Magni Sigilli, edition 1814, p. 116; cf. vol. ii. of this work, pp. 6, 29.

directly from the Earl of Fife were Reres, while those held from Sir Alan Erskine and other mid-superiors were Myrecairnie, Nether Cameron, and Methil.[1]

Sir David Wemyss died in the year 1375, and in December of the following year his second son, Duncan, entered into an agreement with John of Wemyss as follows:—John Wemyss was to resign in the hands of the superiors the lands which he possessed, formerly belonging to Sir David Wemyss, and was to secure them to Duncan in terms of a separate agreement of entail. Duncan agreed to free the lands of Upper Cameron, and his annualrent from Methil, from the hands of the superiors,[2] that they might be included in the entail. If he failed to do this, John was to free the lands at Duncan's expense. Duncan was further to pay to John, each year for seven years, three and a half merks sterling, to be given to a chaplain for masses on behalf of Sir David. John Wemyss was to hold the lands of Wester Reres for ten years from Whitsunday 1377, with the whole lordship thereof, at a rent to be fixed by the separate entail. At the end of the ten years, if Duncan could fully occupy the lands of Reres and Cameron, he should possess them; but if not, John was to continue in possession for nine years longer, Duncan undertaking to pay John's expenditure for buildings on Reres, to the value of eighty merks, within four terms after his removal from the lands.[3]

There is nothing to show why Duncan Wemyss, who was the direct heir, was excluded from the succession to the lands of Reres and Cameron, unless it be that the arrangement between the two cousins indicates impecuniosity, or an incapacity on the part of Duncan Wemyss for the management of his estates. Before the expiry of the nineteen years he was not only unable to occupy Reres, but was

[1] Vol. ii. of this work, pp. 15, 18, 27, 29.

[2] Probably by paying the feudal casualties due on his succession.

[3] Vol. ii. of this work, pp. 16, 17, agreement dated 8th December 1376. The separate entail has apparently not been preserved.

also obliged to resign it and all other lands he held or could claim as son and heir of the deceased Sir David Wemyss of Cameron. This he did in favour of his kinsman, now Sir John Wemyss, only stipulating that Sir John should give him the lands of Kilmany for his "sustentation" during life, he paying eight pennies yearly in name of rent.[1]

Previous to this final transaction, however, Sir John Wemyss had been securing his title to his estates by obtaining charters from the various co-parceners of the Wemyss, of the lands which he held under them. These were the lands of Myrecairnie, Wester Raith, Glenniston, Powguild, Nether Cameron and Methil, all which had been formerly held by Sir David Wemyss of Cameron, and the charters by the co-parceners, Sir Alan Erskine, Robert Livingstone and John Boswell, were all confirmed by the overlord, the Earl of Fife, on 18th June 1386.[2] About the same time, or within the same year, Sir John Wemyss married, apparently as his second wife, Isabella, younger daughter of Sir Alan Erskine of Inchmartin, one of the co-parceners of Wemyss through his wife Isabel Inchmartin, who, as formerly narrated, was heiress of a third of that barony. In the end of the year 1386, Sir John received from his father-in-law a grant, of the lands of Pitlessie, held on lease from their proprietor, John of Ramorgny, for a yearly rental of £10 sterling.[3]

Other lands which came into possession of Sir John Wemyss, then or within the next few years, were the lands of Tulibrec (now Tillybreak) and the lands of Innerleven. His possessions at the beginning of the reign of King Robert the Third were very considerable, comprehending Reres, Myrecairnie, Newton and Markinch, Nether Cameron, Wester Tarvit and Tillybreak, all in Fifeshire; Kincaldrum

[1] Indenture, dated 10th June 1389. Vol. ii. of this work, pp. 23-25.

[2] The charter by the overlord names the three mid-superiors, and two of their charters are extant. Vol. ii. of this work, pp. 18, 27 (this writ is inadvertently misplaced), and 266.

[3] *Ibid.* p. 19.

or Kingoldrum in Forfarshire, with other lands not named.[1] He was also lord of a large part of the barony of Leuchars, and proprietor of Kilmany, with the lands of Lathocker, Myrtoun, and others, and he held the office of constable of the castle and town of St. Andrews.[2] He was virtually possessor of Methil, though it was nominally in the hands of the superior, not being yet freed of casualties.[3] Besides these there is reason to believe Sir John still held, either as superior or vassal, part of the old family estate of Penshiel in the Lammermuir hills.[4] His position therefore was that of a prosperous landowner, and his estates, as will be seen, rather increased than diminished in extent.

When Sir John Wemyss acquired possession of the lands of Innerleven, which adjoin Methil, he did so by a transaction which is of some interest as showing the kind of arrangements occasionally entered into between neighbouring lairds when one was powerful and the other weak. It is detailed at length in the family papers, and shows that in October 1388, Sir John Wemyss and his neighbour, Thomas of Innerleven, in presence of a notary and witnesses, entered into a long agreement, which narrates as its first clause, that Thomas clearly recognised that he had given up all his rights, present and future, in Innerleven to Sir John, for assistance given and to be given by the latter, especially in recovering the lands from the superior for the use of Thomas. Sir John in turn obliged himself to labour diligently and faithfully to acquire and recover the lands of Innerleven for

[1] These lands are enumerated in one charter of confirmation by King Robert the Third, 16th October 1392. Vol. ii. of this work, p. 29.

[2] Robertson's Index, p. 138, Nos. 29, 37; vol. ii. of this work, p. 24; Douglas's Baronage, p. 553. Charter of Lathocker, dated in 1383.

[3] Cf. vol. ii. of this work, p. 30; charter by the bishop of St. Andrews, 20th March 1393.

[4] If a charter without date, by "John of Wemys, knight," in the old MS. Register of Melrose, be assigned to the correct king's reign, there is evidence that this Sir John was superior, at least of part of Penshiel. In any other view, it seems strange that an *original* charter by John Boswell, one of the co-parceners of Wemyss, to Sir John himself, should have passed into the hands of the monks of Melrose. See Liber de Melros, vol. ii. pp. 458, 459.

the benefit of Thomas within the next two years. On this being done, Thomas became bound to resign the lands in favour of Sir John, and failing that, to pay the sum of £40 sterling, with expenses. If Sir John could not recover the lands within the prescribed term, it was agreed he should pay eight merks yearly to Thomas as long as he pleased, or for the grantee's whole life. If Sir John succeeded in recovering the lands from the superior, Thomas was to enjoy the franktenement for his lifetime, while Sir John remained in possession of the fee, paying eight merks yearly as before. If Sir John refused to do this, the whole agreement should, at the will of Thomas, be revoked and nullified. But notwithstanding that, Thomas and his successors should possess reasonable fuel for himself and his heirs in the lands of Innerleven, with free ish and entry for obtaining it, with the fishing of the water of Leven, and the island called Werdale, in the middle of the Leven. The final clause provided that if after examination, and the completion of his labours for recovering the lands, Sir John did not account them worth recovery, he bound himself to relax the agreement in favour of Thomas, and to quit himself without reproach; and afterwards to support and assist Thomas for recovering the lands in such way as shall most benefit Thomas, or otherwise seem best.[1]

Sir John Wemyss fulfilled his part of the bargain, and in about eighteen months after the above agreement he presented himself with his notary at the manor of Innerleven, and the terms of the convention being read over, demanded the fulfilment of it. He told the laird of Innerleven that this had been frequently asked, and now specially required the laird to resign the lands as before arranged. To this Thomas of Innerleven, by advice, replied that he knew Sir John had fully implemented his obligation, nevertheless, as now advised, he was neither able nor willing to do his own part. Sir John then, in presence

[1] Vol. ii. of this work, pp. 20-22.

of the bystanders, requested to know why the laird thus refused compliance to a plain bargain. The laird only answered as before, that he had not been able to consult his friends, and now he was neither able nor willing to perform the contract. Sir John then made a formal protest to preserve his rights.[1]

Two years later, Sir John Wemyss again endeavoured to obtain the lands. He redemanded the fulfilment of the contract, in answer to which the laird of Innerleven replied as before, that as advised by his friends he could not perform his obligation. Sir John then asked in astonishment, Why so, when the bargain made by me is in all respects completed, and this done, you are bound to me to fulfil your compact in all points, notwithstanding anything proposed to the contrary. To this the laird only said, I know in truth and am notoriously aware that your obligation is performed, nevertheless I, as now advised, cannot at all for the present fulfil my bargain. After this brief but decisive colloquy, which took place in the presence of friends on both sides, in the fields near Innerleven, Sir John made the usual protest and departed.[2]

The matter, however, did not rest there. Three years afterwards Innerleven became the property of Sir John Wemyss under a charter from the superior, the Earl of Fife and Menteith, the laird being deprived on the ground that he had alienated his lands without the over-lord's consent. Thomas of Innerleven, however, was either dead or did not long survive the loss of his lands, as he deceased before May 1396. The charter of Innerleven to Sir John Wemyss also contained a grant of the Westhaugh of Scoonie. But as the grandsons of the defunct laird, and Sir Thomas Sibbald of Balgonie held charters of the same lands from Patrick, Earl of Dunbar, it would appear

[1] These things were done, says the notary, at Innerleven, on the north side of it, near the highway which goes from the mill to Kennoway, on 7th February 1390. Vol. ii. of this work, pp. 25, 26.

[2] 10th February 1391-92. *Ibid.* pp. 28, 29.

that there was a rival claim of superiority between the Earls of Fife and Dunbar. The Earl of Fife's charter was confirmed by the bishop of St. Andrews.[1]

It is not known what part Sir John Wemyss took in the public affairs of his time. Scotland during the reigns of King Robert the Second and King Robert the Third was comparatively peaceful, and although the long truce with England was interrupted in 1384 by the French expedition under Sir John de Vienne, and by the foray in 1388, which ended in the battle of Otterburn, the southern parts of the kingdom rather than those north of the Forth were concerned in these events. It is possible, however, that as Robert Stewart, Earl of Fife and Menteith, afterwards Duke of Albany, was one of the leaders of the general muster of Scottish barons who invaded the west of England, Sir John Wemyss may have marched under his banner.

Among other privileges, King Robert the Third granted to Sir John Wemyss, in 1392, permission to build upon his lands of Reres a castle with towers, to be of such strength and height as the owner deemed expedient.[2] This fortress he commenced to build at once, selecting as its site that of the old castle of Reres belonging to the Earls of Fife, which was situated on the eastern brow of an eminence in the parish of Kilconquhar. Nothing now remains of the castle but a mound to mark the spot on which it stood.

About the same time Sir John Wemyss resigned his barony of Leuchars in the king's hands for new infeftment, in which were included some rights over the lands of Wolmerston (Wormiston), if not the lands themselves.[3] But these rights, and the sasine following on the king's charter, though supported by other writs, were disputed, and

[1] Vol. ii. of this work, pp. 31-35. The bishop's charter closing the transaction is dated 16th October 1396. At a later date Innerleven (or Caldcoits) was acquired by a laird of Wemyss from a descendant of Sir Thomas Sibbald.

[2] Registrum Magni Sigilli, edition 1814, p. 214.

[3] Robertson's Index, p. 138, Nos. 29, 37.

the sasine annulled in 1394, by Annas or Agnes, then lady of Wormiston.[1] Some years later Sir John Wemyss became involved in another dispute, the merits of which have not been ascertained, though it was serious enough to come before the king in council. At a general council held at Linlithgow in November 1399, Walter Lindsay complained that he had been unjustly seized and made prisoner by Sir John Wemyss contrary to the laws. Upon this the king and council freed Lindsay and his sureties, and acquitted them of all obligation made to Sir John by reason of such caption, while the king required from Lindsay pledges that Sir John should be safe from him, under the penalty of a thousand merks. Lindsay had no sureties ready, but promised the king in presence of the council that he would not withdraw until he had found cautioners. The king then ordered that the Duke of Albany should give similar pledges for Sir John Wemyss that Lindsay should likewise be safe, and this the duke promised to do.[2]

In the following year Sir John Wemyss came into collision with the Duke of Albany himself under the following circumstances:—It has already been shown in a previous memoir that Margaret, the elder daughter of Isabel Inchmartin and Sir Alan Erskine, married Sir John Glen of Balmuto. Sir John Wemyss married her younger sister Isabel, apparently as his second wife. In May 1400 Sir Alan Erskine, lord of Inchmartin, died, predeceased about a year before by his wife. Immediately upon his death, his daughters, Margaret and Isabel, were formally retoured heirs to their father and mother in their various lands, including their portion of Wemyss, and other lands in Fifeshire.[3] In terms of this retour, Sir John Glen and Sir John Wemyss applied to the Duke of Albany, as superior of Wemyss,

[1] Nothing further is known of this transaction. The particulars in the text are stated from an inventory (dated 1662) of the Wormiston writs, in the possession of the Earl of Lindsay. [Historical MSS. Report, No. v., App. p. 624.]

[2] The Acts of the Parliaments of Scotland, vol. i. p. 212.

[3] Vol. ii. of this work, p. 36. Retour dated 26th May 1400.

to give sasine to their respective wives of that estate, but were met by a prompt refusal. In vain did they present the usual letters from chancery, the duke would neither consent to give infeftment nor to state to them his reasons for refusal.[1]

These reasons, however, became apparent when Sir John Wemyss and Sir John Glen were summoned to appear on the following day before the duke at his court on the "Came-hill" of Cupar, to show whether Sir Robert Livingstone was not then in possession of a third part of the lands of Wemyss.[2] To this the parties replied that they could show sufficient evidence that Sir Robert Livingstone was not in possession of a third of Wemyss, but they would show nothing, as they had not been lawfully cited, and did not accept the court as legitimate, a statement which, at this point, Sir John Glen indorsed by walking out of the court, saying that he had nothing to do there. The Duke of Albany then caused a jury to be called, before whom the same objections were urged, and a general protest was made against the illegality of the whole proceedings.

The immediate sequel of the affair is not recorded; but the duke's behaviour appears to have caused Sir John Wemyss to commit some overt act of disloyalty, as in the following year warlike engines were ordered from St. Andrews to aid in besieging his castle of Reres. These were a "machine," not specified, composed of wood and iron, and a wooden "sow" for approaching the walls. The particulars of the siege are not known, though it was conducted by the Duke of Rothesay, then lieutenant-general of the kingdom, in person, and it probably lasted no great time, as no historian of the day refers to it. The large sum of £185, 6s. 8d. was expended in preparing for the siege, and in payments to the Duke of Rothesay on account of it.[3]

[1] Vol. ii. of this work, pp. 38-40.

[2] *Ibid.* pp. 41, 42. 18th June 1400.

[3] Exchequer Rolls, vol. iii. pp. 552, 559, 560. Only from the chamberlain accounts of the period have we any evidence of the siege of Reres.

Besides this blockade of his fortress, it is probable that Sir John Wemyss, for a short time at least, suffered the loss of his lands. They appear to have been given up to the tender mercies of no less a personage than the king's brother Alexander, Earl of Buchan, also known as the "Wolf of Badenoch." The Earl of Buchan is frequently said to have died in 1394, but this is disproved by various facts, and in particular, by a letter addressed to him in 1402 by his royal brother, on behalf of Sir John Wemyss. The earl, who was then acting as bailie of Athole, is informed that Sir John, by the king's command, has submitted himself to the law, and has given sureties to that end. His lands, including his own special property, as well as that of his spouse, have been delivered to him, and Buchan is, therefore, forbidden in any way to molest or disturb Sir John in his lands or tenants within his bailiary. If any rents or goods have been uplifted from the lands for the two terms last past of Martinmas or Whitsunday, they are to be promptly restored to Sir John and his men.[1]

What response the Earl of Buchan made to this missive does not appear, but it is probable the king's mandate was obeyed, as it is said that Sir John Wemyss in the same year bestowed the lands of Reres on his second son Duncan,[2] and must therefore have been in free enjoy-

[1] Vol. ii. of this work, p. 44. This mandate is dated 24th May 1402, and is addressed to the king's brother, Alexander, Earl of Buchan, bailie of Athole. The statement, to which even the latest writer on the subject has committed himself [Exchequer Rolls, vol. iv. Preface, p. clviii], that the Wolf of Badenoch died in 1394, is disproved by the document quoted in the text, by a reference in the Exchequer Rolls of 1403-4, when a payment was made to him, and also by various charters, for which cf. Antiquities of Aberdeen and Banff, vol. iv. pp. 168, 169. He died in the beginning of 1405, as appears from the Exchequer Rolls of that year.—[Exchequer Rolls, vol. iii. pp. 600, 634.] The date said to be inscribed on his tombstone at Dunkeld may therefore be 25th February 1404 (1404-5), not 1394, as usually stated.

[2] Wood's Peerage, vol. ii. p. 618, but no authority is given for the *date*. That Duncan Wemyss held Reres is proved by later writs. It may be added, though no evidence on the subject has been found, that it may have been at this time that Kincaldrum passed out of Sir John's hands. Some years later it was in possession of the Guthries, but how, does not appear.

ment of his possessions. In 1404 Sir John endowed the chapel of St. Mary of Reres with various lands and annualrents, partly from his barony of Leuchars and partly from the lands of Reres, including a large privilege of pasturage.[1] In 1406 he granted a liferent lease of his lands of Wester or Wemyss-Tarvit to his kinsman, Richard Inglis, at a yearly rental of twenty-six shillings and eightpence. Sir John was then residing at Reres.[2] He appears at intervals during the next two years as a witness to charters by the Duke of Albany, then governor of Scotland.[3] He also made several journeys to England in the years 1412 and 1413, as one of those engaged in negotiating for the release of King James the First, then a captive.[4]

The remaining notices on record of Sir John Wemyss are comparatively few, and relate chiefly to transactions affecting his estates. He appears, however, in his later years as a patron of literature. Posterity owes him much for his patronage and encouragement of Andrew Wyntown, the well-known author of the rhyming chronicle, which was written at Sir John's instance. Wyntown became prior of St. Serf's in Lochleven in 1395, and it was probably then that he came under the notice of Sir John Wemyss, who, like his successors, may have had rights of bailiary over the river Leven. The family of Wyntown had for a long period been more or less intimately connected, as custodiers or otherwise, with the castle of Kildrummy, the chief stronghold of the earldom of Mar,[5] and it is probable that it was owing to Sir John's relationship with the Erskines, who claimed that earldom, that he thus took an interest in the prior of St. Serf's. Much praise is due to the prior for the way in which he executed his task, and for the labour and pains bestowed upon it, but he has himself

[1] Vol. ii. of this work, p. 266.

[2] Note in MS. 34. 6. 24 in Advocates' Library.

[3] Registrum Magni Sigilli, edition 1814, pp. 232, 236, 238.

[4] Fœdera, vol. viii. pp. 686, 734; ix. p. 5: Rotuli Scotiæ, vol. ii. pp. 200, 204.

[5] Cf. Antiquities of Aberdeen and Banff, vol. iv. p. 176, note; Macpherson's edition of Wyntownis Cronykil, vol. i. p. xx.

recorded that the original suggestion of the work came from Sir John Wemyss. The chronicler, when in his prologue he entreats the forbearance of his readers for the rudeness of his work, tells them that

> —— this tretys sympylly
> I made at the instans of a larde
> That had my serwys in his warde,
> Schyr Jhone of the Wemys be rycht name,
> Ane honest knycht and of gude fame,
> Suppos hys lordschype lyk noucht be
> Tyl gret statys in eqwalytè:
> He mon of nede be partenere
> Of qwhat kyne blame, that I sulde bere,
> Syne for byddynge at hys cownsale
> Of det I spendyt my trawale.[1]

Wyntown's work, from whatever sources compiled, is generally admitted to be one of the most accurate, as it is one of the earliest histories of Scotland. It is not known when he began his labours, but it was probably not until after he became prior. The chronicle, as appears from internal evidence, was finished between the end of the year 1420 and before 1424.[2] The writer refers to himself as advanced in years, and he and his patron were probably about the same age.

Besides the encouragement which Sir John thus gave to learning, he continued his efforts to consolidate the estate of Wemyss in his own hands. His wife, Isabel Erskine, and her elder sister Margaret, wife of Sir John Glen, had, in 1401, been retoured heirs to their mother, Isabel Inchmartin, in the lands of Auchleven, held of the lord of Garioch.[3] Sir John Glen died before 1419, leaving at least three daughters, of whom the eldest, Marjory, married Sir Andrew Ogilvy, afterwards called of Inchmartin; the second, Isabel, married, first, Walter Ogilvy of Lintrathen, and, secondly, Robert Cunningham of Auchinbowy; and the third, Christian, married, first,

[1] Wyntownis Cronykil, Prologue. p. xxii.

[2] Wyntownis Cronykil, Macpherson's edition,

[3] Vol. ii. of this work, pp. 42, 43.

David Ogilvy, brother of Sir Andrew Ogilvy of Inchmartin, and sometime styled of Balmuto; secondly, David Aberkirdor; and thirdly, David Stewart of the Gloom.[1] Each of these three daughters of Margaret Erskine inherited a part of her mother's share of Inchmartin and the Wemyss, and the number of co-proprietors thus created led Sir John Wemyss to desire some settlement of the estates. Accordingly he and his wife, in 1419, entered into a deed of concord with Robert Livingstone of Drumry, another co-proprietor, which perhaps bore fruit at a later date in an alliance between the families.[2]

In the same year, 1419, Sir John Wemyss, evidently in pursuance of his arrangements about his property, obtained from Walter Stewart, Earl of Athole and Caithness, brother of the Duke of Albany, a somewhat peculiar certificate. The earl, by the desire of Sir John Wemyss and the lady of Glen, relates that some time previously he had been present at a general council held at Perth, when, amid other matters, Sir John Wemyss was accused by the Duke of Albany, then governor, of wrongfully receiving the rents of the Wemyss, estimated at a thousand merks, to the duke's detriment. Sir John replied that he was legally entered in the lands of Wemyss, by the usual precepts from chancery in name and behalf of his own wife and the lady of Glen; he therefore denied any wrong-doing, as he had right to the rents. The governor then inquired if he would abide by the decision of the council, to which Sir John replied "Yaa." He then left the council, and the duke asked their opinion on the case, when they decided that Sir John had been legally entered as he stated, and no detriment had been done to the governor in regard to the rents.

[1] Vol. ii. of this work, pp. 80, 81; Antiquities of Aberdeen and Banff, vol. iv. p. 180. Inchmartin writs in the Charter-chest of Lady Elizabeth Leslie Melville Cartwright, at Melville.

[2] This deed has apparently not been preserved, but the fact of the agreement, with the date, 24th May 1419, are recorded in an old inventory of writs at Wemyss Castle. According to an entry in the same inventory Robert Livingstone was, in 1419, infeft in a portion of the Wemyss, and the infeftment protested against, on 4th September 1419.

The Earl of Athole concludes the narrative by stating that as he was a witness of all this, he bears testimony as requested.[1] The facts here stated seem to imply that Sir John held either as proprietor or tenant, not only his wife's share of the territory of Wemyss, but also that of her sister, Margaret Erskine, the other co-heiress of the eldest daughter of Sir Michael Wemyss, who died about 1342.

Sir John Wemyss is referred to once or twice in charters relating to his son David, in the years 1423 and 1424,[2] and he was one of those Scottish barons who in 1424 received safe-conducts to meet King James the First on his return from captivity in England.[3] His relationship to the Glens, as well as to his ancestral castle, gives interest to an episode which took place in 1425 at the Wemyss during his lifetime, though he was not present. Robert Livingstone, whether of Drumry or not is not stated, had procured himself infeft in the manor-place of the Wemyss, a proceeding resented by the lady of the manor, Margaret Erskine or Glen, lady of Inchmartin. One of her squires therefore, with attendant notary, presented himself on her behalf at the hall door of the manor, with intent to break the sasine according to legal form. He was greeted by Livingstone with the words that he should have no entrance to that hall. The squire replied that he would not quit on account of words, and so went to the door, whereupon Livingstone turned him round and forced him back with the strong hand. The squire then appealed to the sheriff of Fife and others present to witness his expulsion, and meanwhile he went through the ceremony of breaking the sasine at the door of the hall, and his notary wrote the usual narrative of the proceedings.[4]

The last act recorded of Sir John Wemyss is an agreement which he, with his son David, made in favour of John Melville of Raith, giving full permission to make a mill lade between Loch

[1] Vol. ii. of this work, pp. 44, 45.
[2] *Ibid.* pp. 46-50.
[3] Rotuli Scotiæ, vol. i. pp. 244, 245.
[4] Vol. ii. of this work, pp. 51, 52.

Gelly and Melville's mill of Pitconmark. The lade was to pass through Sir John's lands of Glenniston, Little Raith and Powguild, and Melville was to have full power to make and uphold the lade or dam, and enclose the water on these lands. In return for this concession Sir John and his tenants on these lands were to have special privileges and relaxations in regard to dues payable at the mill.[1]

This agreement was made in June 1427, and Sir John appears to have died within a year thereafter. His wife, Isabel Erskine, had predeceased him, dying between 1419 and 1427, and towards the close of his life he appears to have married Christian Ogilvy, daughter of Sir Patrick Ogilvy of Auchterhouse, sheriff of Forfar. In 1463 she renounced in favour of Sir John's grandson all claim she might have for terce or restitution of tocher.[2]

Isabel Erskine and Christian Ogilvy are the only wives on record of Sir John Wemyss of Reres, but there is reason to believe that he was married and had issue before his union with Isabel Erskine, who was not the mother of all his children. There is also a tradition to this effect preserved in the family.

The children of Sir John Wemyss, so far as they have been ascertained, were—

I. Duncan Wemyss, who between 1398 and 1400 married Elizabeth Erskine, a daughter of Thomas Erskine of that ilk, and Joanna Keith his wife. With her he received from her father and mother a grant of the lands of Perthesk or Pirchock, and Ludcairn, in the shire of Aberdeen, and in the charter of conveyance he is

[1] Vol. ii. of this work, pp. 52, 53.

[2] *Ibid.* pp. 82, 83. The chief evidence for assigning Christian Ogilvy as wife to the subject of this memoir rather than to his grandson, is an entry in an old inventory of writs at Wemyss, of an "Instrument of adherence of John Wemis of that ilk to Cristian Ogilvy his spous, daittit the tent day of Junii i^{m}iiij^{c}xxvij yeiris." This could not apply to the later Sir John.

described as Duncan of Wemyss, son and heir of Sir John of Wemyss, knight, lord of Leuchars-Wemyss.[1] As the charter in question was certainly granted not later than 1400, and Duncan Wemyss was then the heir of Sir John Wemyss, it is clear he was older than his brother David, who afterwards inherited the lands of Wemyss. As David in 1418, while his father and mother were still alive, describes himself as their son and apparent heir, in relation to his mother's lands,[2] and as his elder brother Duncan was also then alive, it is evident that the family tradition referred to is substantially correct, and that Duncan Wemyss, and probably other sons of Sir John Wemyss were the children of an earlier marriage, before his union with Isabel Erskine,[3] by whom he acquired her portion of Wemyss, which was inherited by her son David.

Besides the lands which Duncan Wemyss obtained with his wife, he inherited on his father's death, if not provided to them during Sir John's lifetime, the lands of Reres, Leuchars-Wemyss, with Logymurtho (Logie-Murdoch or Logie) and others, all in Fifeshire. It seems probable that he thus obtained the greater part of his father's own estate, possessed by him before his marriage with Isabel Erskine of Inchmartin. Little is on record regarding Duncan Wemyss,

[1] Original charter in the Mar Charter-chest; printed in minutes of evidence of Mar Peerage Case, 1868, p. 88. The date of the writ is ascertained by the fact that Robert, Duke of Albany, one of the witnesses, was created Duke on 28th April 1398, while Sir Alan Erskine of Inchmartin, another witness, died about May 1400.

[2] Cf. pp. 67, 68 of this volume.

[3] Douglas's Baronage, p. 553, note. Sir Robert Douglas states that there was a tradition believed in the family of Wemyss that Sir John Wemyss had several children by a former wife before he married the heiress of Wemyss, and that Duncan, and his brothers Alexander and Michael were of the first marriage. Sir Robert records this tradition with hesitation, as he had found no evidence in support of it, but it is corroborated by the statements made in the text.

probably because in 1432, not long after his father's death, he went to England as one of the hostages for the ransom of King James the First. He is then described as Duncan Wemyss of Reres. He was still in England in 1438, and probably died there.[1]

Duncan Wemyss of Reres and Elizabeth Erskine, had a son,—

Thomas, who, as son and heir of Duncan Wemyss, is a witness to charters by Sir Robert Erskine of that ilk, his uncle, in 1433 and 1437.[2] He succeeded his father before 1443, and became, before 1466, Sir Thomas Wemyss of Reres, knight. He married Margaret Melville, and had issue five sons, named Michael, John, Thomas, Alexander and Andrew.[3] Sir Thomas Wemyss died about 1478, survived by his wife, who married, about 1480, Baldred Blackadder. She and her second husband were alive in 1494.[4]

(1.) Michael, the eldest son of Sir Thomas Wemyss of Reres, predeceased his father, leaving no male issue, and only one daughter, Elizabeth Wemyss. She was, about 1466, disinherited by her grandfather, Sir Thomas, who entailed his estate upon his second son, John, and other sons. But in 1477, Sir Thomas changed his mind, and settled all his estates upon his granddaughter, Elizabeth, who, about that year, married Arthur Forbes, in whose favour Sir Thomas resigned Reres,[5] which was held by the descendants of Arthur Forbes and Elizabeth Wemyss for several generations.

(2.) John Wemyss, the second son of Sir Thomas

[1] Rotuli Scotiæ, vol. i. pp. 277, 280, 287, 311.

[2] Antiquities of Aberdeen, etc., vol. i. p. 393; vol. iii. p. 143.

[3] Registrum Magni Sigilli, vol. ii. No. 1302.

[4] Acta Dominorum Concilii, pp. 22, 66, 362.

[5] Registrum Magni Sigilli, vol. ii. Nos. 882, 1302-1305.

Wemyss of Reres, married Elizabeth Dishington, and in 1466 received from his father the lands of Pittencrieff and others, in the county of Fife.[1] He became the ancestor of the family of WEMYSS OF PITTENCRIEFF. John Wemyss was one of those on whom the estate of Reres was entailed, and he appears after his father's death to have made some claim to the lands, but only the lands of Pittencrieff and others descended to his son Thomas, who had also an interest in the lands of Pirchock, in Aberdeenshire, which had belonged to his great-grandfather, Duncan Wemyss.[2] Thomas Wemyss of Pittencrieff was, perhaps, killed at Flodden, as he appears in no record after 1513. The next possessor of the lands of Pittencrieff was Patrick Wemyss, who, in 1524, resigned them in favour of himself and his wife, Margaret Balfour.[3] Patrick Wemyss was made captain of Inchgarvie Castle, in the Firth of Forth, near Queensferry. He was a favourite servant, and became master of the household of King James the Fifth, who seems to have employed him in a mission to France, as for his services there and elsewhere beyond seas, his lands were in 1538 erected into a barony. In the previous year he received the lands of Downfield, in Fifeshire.[4] Patrick Wemyss of Pittencrieff was succeeded by his son John, who married Dorothea Ruthven, daughter of William, first Earl of Gowrie. He was present at Perth on the occasion of the Gowrie Conspiracy, but took no part in it.[5] He had two sons, John and Robert, the first of whom was, in 1615, retoured heir to his grandfather,

[1] Registrum Magni Sigilli, vol. ii. No. 881.

[2] Instrument on Redemption of Pirchock, by Thomas Wemyss, son and heir of John Wemyss of Pittencrieff, dated May 18, 1500, in the Charter-chest of the Earl of Mar and Kellie.

[3] Registrum Magni Sigilli, vol. iii. No. 261.

[4] *Ibid.* Nos. 1744, 1838; cf. also Acts of the Parliaments of Scotland, vol. ii. p. 311.

[5] Pitcairn's Criminal Trials, vol. ii. pp. 183, 297, *note*.

Patrick Wemyss, in the lands of Pittencrieff.[1] John Wemyss of Pittencrieff died before 1643. The only one of his family whose name has been ascertained is a daughter named Janet, who is referred to in the testament of her kinswoman, Anna Wemyss, Viscountess Stormonth, as a legatee for 500 merks. She is described as lawful daughter of the late John Wemyss of Pittencrieff.[2] The barony of Pittencrieff seems to have passed into the possession of others about this time, and the family has not been traced further.

(3.) Thomas, and

(4.) Alexander, both of whom are mentioned as brothers-german of John Wemyss in the entail made by their father in 1466.

(5.) Andrew, who, about 1477, was provided by his father to the lands of Myrecairnie, Wester Cruvie, Logie, and others, in Fife.[3] He was succeeded in these lands by his son James, who was killed at Pinkie in 1547. Andrew Wemyss, son of James, was retoured heir to his father in Myrecairnie on 2d October 1548,[4] and was also styled of Logie, receiving as such in 1564, on his own resignation, a crown charter to himself and his wife, Grisel Drummond.[5] Andrew Wemyss of Myrecairnie or Logie became a senator of the College of Justice about the year 1591, with the title of Lord Myrecairnie, and survived until after the year 1607.[6] He had three sons, John, James, and David, all designed of Logie, and a daughter, Eufame Wemyss, who was for some time a lady-in-waiting to Queen Anne of

[1] Fifeshire Retours, No. 234; cf. Register of Privy Council, vol. iv. p. 360.

[2] Testament of Lady Stormonth, 14th September 1643. Copy at Wemyss.

[3] Registrum Magni Sigilli, vol. ii. No. 1303.

[4] Fifeshire Retours, No. 15.

[5] Registrum Magni Sigilli, vol. iv. No. 1547.

[6] Cf. Register of Privy Council, vol. vii. pp. xxi, 419.

Denmark.[1] John Wemyss, younger of Logie, was the hero of a romantic adventure, which is commemorated both in song and story. He was one of the gentlemen-in-waiting to King James the Sixth, but was won over by the arts of the famous Francis Stewart, Earl of Bothwell, then in disgrace, and promised to admit the earl privately to the presence of the king. King James, however, was forewarned, the scheme was frustrated, and young Logie, with a fellow-conspirator, Balfour of Burley, was arrested. Burley confessed, but Logie denied, or defended himself in such a way that he was committed for trial, that he might be "execut to the dead." Young Logie was securely warded in the palace of Dalkeith, where the king then was, but as has been said, love laughs at locksmiths, and in this case the prisoner found it to be so. One of the queen's maids of honour, a Danish lady named Margaret Vinstar, for whom Wemyss had a "great honest affection," which she returned with interest, now brought her woman's wit to his aid at his utmost need. She availed herself of her position in the royal household, and beguiled the guard by a false message that the prisoner was to be brought to their majesties. She led the captive to the king's chamber door, and thence, having eluded the guards, to a window, where she provided him with a rope, by which he descended to the ground, and "sa be hir gude cheritable help he happelie escapit be the subteltie of loove."[2] This incident gave rise to the popular ballad known as "The Laird o' Logie," which preserves the main facts of the escape, while the fancy of the ballad-maker has embellished the details.

[1] Cf. Register of Privy Council, vol. v. pp. 240, 639.

[2] The Historie of King James the Sext, Bannatyne Club, pp. 253, 254, and other contemporary historians.

It appears, however, from more authentic sources, that the queen when desired to dismiss Margaret Vinstar from her service refused to do so, and her majesty may therefore be accounted an abettor, if not a conniver, in the plot of the lovers.[1] They were afterwards married, but their fortunes must have been somewhat chequered, as young Logie was more than once in ward or in danger of arrest afterwards, and at one time was under a bond of £20,000 Scots to go abroad. He did go abroad about 1596, and was afterwards arrested at Brussels, because he wrote a letter to the Earl of Essex.[2] His sister, Eufame, was also removed from attendance on the queen.[3] John Wemyss, younger of Logie, died about 1599, before his father, leaving a son John, who, in 1620, as Sir John Wemyss of Logie, knight, was retoured heir-general of Andrew Wemyss of Myrecairnie, his grandfather.[4] There is some reason to believe that this Sir John Wemyss afterwards became high sheriff of Fermanagh in Ireland, and was killed there by the servants of the bishop of Clogher. Sir John's widow afterwards applied to King Charles the First for assistance in obtaining money which had been paid as the price of her husband's estate.[5] Sir John Wemyss of Logie had a son James, who, in 1636, was a witness to an agreement between John, Earl of Wemyss, David, Lord Elcho, his son, and others, affecting the custody and education of Marion Bruce, sister of William

[1] Thorpe's Calendar of State Papers, vol. ii. p. 611.

[2] *Ibid.* pp. 659, 739; Register of Privy Council, vol. v. p. 638.

[3] Eufame Wemyss married Sir William Anstruther of that ilk, but they had no issue. [Douglas's Baronage, p. 315.]

[4] Register of Privy Council, vol. v. pp. 240, 639; Inquisitiones Generales, No. 923.

[5] The Earl of Stirling's Register of Royal Letters, 1885, pp. 115, 156, 298. The murder of Sir John Wemyss took place shortly before January 1627.

Bruce of Balquhairg. He is described as James Wemyss, lawful son of the late Sir John Wemyss, some time of Logie.[1]

II. Alexander, the second son of Sir John Wemyss of Reres, was, according to the tradition already cited, a son of the first marriage. This seems probable from the fact that a few years after his elder brother Duncan's marriage, Alexander was in 1407 provided by his father in the lands of Kilmany, which were confirmed to him by the bishop of St. Andrews. He died in 1418, and was succeeded by his son John, who received in 1424 from his grandfather a charter of the lands of Lathocker, Myrtoun, and others in Fifeshire. He married Janet Wardlaw, said to be a niece of Henry Wardlaw, bishop of St. Andrews, and had a charter of Lathocker to himself and his spouse in 1440.[2] From them descended the family of Wemyss of Lathocker, the direct male line of which ended in 1798, when Walter Wemyss of Lathocker died without issue.

III. Michael, who is also said to be a son of the first marriage of Sir John Wemyss of Reres. He acted in 1432 as tutor to the son of David Wemyss of Methil and Wemyss.[3] He seems to have been provided by his father to the lands of Pitmiddil in the barony of Inchmartin in Perthshire.[4] He died apparently without issue.

IV. David, called eldest son and apparent heir of Sir John Wemyss and Isabel Erskine. He inherited his mother's share of Wemyss, Inchmartin and other lands. His memoir follows.

V. Andrew, who in 1424 witnessed a sasine in favour of his brother

[1] Agreement dated 18th June 1636, in Wemyss Charter-chest.

[2] Douglas' Baronage, p. 553, where evidence of the various grants is given from the Lathocker writs; cf. Registrum Magni Sigilli, vol. ii., No. 244.

[3] Vol. ii. of this work, pp. 64, 65.

[4] An Obligation, dated 27th April 1455, in the Charter-chest of Lady Elizabeth L. M. Cartwright, refers to a lease of Pitmiddil "as Michael of Wemyss held it."

David.[1] Perhaps it was he also who acted as sheriff in the infeftment of the young laird of Wemyss in 1468, and appended his seal to the instrument.[2] If so, he had a son John. Their seals are engraved below.

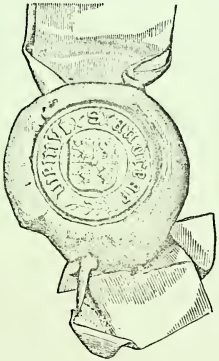
The daughters of Sir John Wemyss were—

I. Elizabeth, who married (contract dated 31st August 1418)[3] Andrew Gray, younger of Foulis, afterwards first Lord Gray, and had issue. Her brother David obliged himself to give her as a dowry a £20 land in Strathardle in Perthshire.[4] She and her sister were apparently the children of Isabel Erskine.

II. Isabella, who married, as his second wife, Hugh Fraser of Lovat. Lovat granted to David Wemyss in 1429, as his brother-in-law, a receipt for thirty-five merks of tocher.[5]

[1] Vol. ii. of this work, p. 51.
[2] *Ibid.* p. 269.
[3] Gray Cartulary, MS. at Kinfauns.
[4] *Ibid.*
[5] Vol. ii. of this work, pp. 60, 61.

Seal of Duncan Wemyss of Cameron, 1389.



Seal of Andrew Wemyss, 1468.

Seal of John, son of Andrew Wemyss, c. 1490. [Melville Charter-chest.]

VII.—David Wemyss of Methil and Wemyss.

Christian Douglas, his wife.

Circa 1428—1430.

David Wemyss, who succeeded Sir John Wemyss and his wife Isobel Erskine in the estate of Methil and parts of Wemyss, Inchmartin, Strathardle and other lands, was not, as is usually stated in former pedigrees of the family, the oldest son of Sir John Wemyss of Reres. It has been shown in the previous memoir that, about 1400, the son and apparent heir of Sir John Wemyss was Duncan Wemyss, who married Elizabeth Erskine, and who succeeded to Reres, Leuchars, and other lands. It was also shown that the tradition of the family, combined with charter evidence, warranted the belief that Duncan Wemyss and two of his brothers were sons of Sir John Wemyss by a marriage earlier than that with Isabel Erskine. Some apparent difficulty arises from the fact that the eldest son of Sir John Wemyss did not inherit Wemyss, but this is explained by the fact that his part of Wemyss, and perhaps Methil also, was acquired by Sir John, not by inheritance, but by marriage with a co-heiress, and it may be presumed that special conditions were made that her children should possess her lands.

This view is strengthened by the fact that when the subject of this memoir first appears on record in an obligation to resign to his sister Elizabeth, and her husband, Andrew Gray, younger of Foulis, dated 24th August 1418, land in Strathardle worth £20 of yearly rent, he describes himself as "son and apparent heir of Sir John of

the Wemyss, lord of Rires, and Dame Isabel of the Wemyss, my modyr."[1] This designation, as it was adopted in 1418, while Duncan Wemyss, his eldest brother, was still alive, can only mean that David was the oldest son of Sir John Wemyss by his marriage with Isobel Erskine of Inchmartin, which must therefore have been a second marriage. The writ now quoted refers to the lands of Strathardle in Perthshire, which, according to David Wemyss, belonged to the lords of Inchmartin, his ancestors, and to his mother Isabel, by "line of heretage," a statement which clearly proves his descent, and corroborates the view that David Wemyss inherited Wemyss and most of his other lands as the oldest son of Isobel Erskine, though not the oldest son of Sir John Wemyss of Reres.

Sir John Wemyss, however, as already recorded, possessed in his own right a number of small holdings near and around the original estate of Wemyss, and these he resigned in favour of his son David. The properties in question were Tillybreak, the Haugh, Innerleven, and Nether Cameron with its mill, all which lands were confirmed to David Wemyss in 1423 by the overlord, Murdach, Duke of Albany and Earl of Fife, and then Regent of Scotland.[2] David Wemyss was at the time making up titles to his lands preparatory to his marriage. His mother, Isabel Erskine, probably died about this time, as in an obligation to his intended spouse, Christian Douglas, regarding her terce, he provides against the possibility of his decease before he had been infeft in his mother's lands, by giving his future wife a liferent annuity of £40.[3] Immediately on his marriage, David Wemyss and his wife received, upon his resignation, a charter from Henry Wardlaw, bishop of St. Andrews, granting to them and their heirs the lands of Methil, in which they were then duly infeft.[4] These lands

[1] Gray Cartulary, MS. at Kinfauns.

[2] Vol. ii. of this work, pp. 45-47. 23d October 1423.

[3] Vol. ii. of this work, pp. 47, 48. 1st February 1423-4.

[4] *Ibid.* pp. 49-51.

must have been granted at an earlier date by Sir John Wemyss to his son David.

David Wemyss, some time previous to his mother's death, had been infeft by her in the lands of Wester or Little Raith, Glenniston, and Powguild, in the neighbourhood of Loch Gelly, and he was a party to his father's agreement with John Melville of Raith, as to a mill lade through these lands, formerly narrated.[1] After the death of Isabel Erskine, her son David became her heir in all the lands falling to her as a co-heiress, and thus acquired rights over her portions of Wemyss-shire, Inchmartin and Strathardle.

It was in this way that part at least of the ancient lordship of Wemyss-shire returned to the heirs-male of the family, and David Wemyss appears to have followed out his father's policy of consolidating the estate of Wemyss so far as possible in his own person, either as proprietor or tenant. Thus, in 1427, he entered into a special agreement with his mother's sister and co-parcener, Margaret Erskine of Inchmartin, widow of Sir John Glen, binding himself, in the first place, to take possession of the half of Inchmartin and Pitmiddil, belonging to him as heir of line. That done, both parties agreed to join in obtaining the consent, first of the king, then of the Earl of Fife, in terms of which Margaret Erskine should resign her "chemys" or manor of the Wemyss, with the third part of the whole lordship of the Wemyss, in the hands of the Earl of Fife as overlord, and secure David Wemyss and his heirs in the subjects resigned. On the other hand, David Wemyss bound himself to resign his whole half of the lordship of Inchmartin and Pitmiddil, and secure Margaret Erskine and her heirs therein. Both parties bind their heirs to fulfil these conditions, should either die before performing them. The penalties for non-performance are, in the case of Margaret Erskine, £300 of sterlings, to be paid to "our lady kyrke" of the Wemyss, while David

[1] Vol. ii. of this work, pp. 52, 53, 266, 267.

Wemyss or his heirs are to pay the same sum to St. Peter's kirk of Inchmartin.[1] There was no Earl of Fife at this time, as the title ceased in 1425 on the forfeiture and death of Murdach, second Duke of Albany. The name, however, may have been inserted for technical reasons. Owing, perhaps to the death, a year or two later, of David Wemyss, this agreement was not carried out, and it was only after a prolonged series of transactions that the descendants of the parties completed the arrangement.

Still in pursuance of the same object, David Wemyss, in the year following the above agreement, entered into a series of important contracts with a descendant of another of the original co-parceners of the Wemyss, Robert Livingstone, laird of Drumry. The first of these writs, which are all of the same date,[2] was an arrangement for an intermarriage between the families, it being proposed that William Livingstone, son and heir of Robert, should marry Euphamia Wemyss, David's daughter, while John Wemyss, son and heir of David, should marry Isabel Livingstone, and to secure fulfilment, the sum of 400 merks was to be paid by either party as a penalty for breach of contract.[3] The children were all young, or at least John and Euphamia Wemyss must have been mere infants.

The second agreement concerned the lands of Wemyss-shire, and stipulated that Robert Livingstone of Drumry was to have all the lands of the Wemyss-shire from the Dean-burn of the Kirk-Wemyss (now East Wemyss) eastward, in fee and heritage, giving egress and ingress to David Wemyss and his heirs, with full freedom to obtain turf, peat, heather, stone, and fishing, wherever found on the lands, except the "chemys" or manor. David Wemyss was to have all the lands of the Wemyss-shire from the Dean-burn westward, giving

[1] Original Indenture, dated 18th July 1427, in the Charter-chest of Lady Elizabeth Leslie Melville Cartwright, at Melville.

[2] 19th November 1429.

[3] Vol. ii. of this work. pp. 54, 55.

in return reciprocal privileges to Livingstone and his heirs over his lands, except the manor. It was also agreed that Livingstone should have full freedom from Wemyss to take away trees from the wood of the Wemyss for the use of himself and his tenants, so long as any trees grew there. Both parties were to have their manors free, except that they mutually grant to each other the freedom of working coal and stone within their respective manors. All coal and salt found and laboured within the lordship, outside their manors, shall be alike free to both parties, and the profits evenly divided, that is to say, the third-part to Livingstone and two-thirds to Wemyss. Further, if either Robert or David wished to labour a salt-pan in either part of the lands, each shall have full freedom of the other, the one having two-thirds, the other one-third, all other salt-pans, coal, and havens to be let to the full value, and evenly divided, each having his portion as before; and there were other conditions of less importance.[1]

The third agreement was supplementary to the preceding, and provided that if the interchange of lands did not take place between David Wemyss and his other parceners of the lands of the Wemyss, then it should be lawful for Livingstone to have recourse to as much of the lands from the Dean-burn west as belonged to the said parceners from the Dean-burn east; beginning at the Dean-burn, going west through the whole two-thirds belonging to David Wemyss until "the said Robert hafe that till him fallis." It would appear, however, that the matrimonial arrangement was at least partly carried out, as well as the agreement respecting the estates.

This appears to have been the origin of the distinction of Wemyss into East and West Wemyss which has continued to subsist from that time to the present day. The two portions remained with separate owners until 1630, when Sir John Wemyss, afterwards the first Earl of Wemyss, purchased the barony of East Wemyss from its then

[1] Vol. ii. of this work, pp. 55-57.

possessor, Lord Colville of Culross, and the whole of the Wemyss became again united under one proprietor. The two manor-places referred to in the preceding writs are represented by the present Wemyss Castle, and by the ruined building, near East Wemyss, popularly known as Macduff's Castle. The latter must have been the stronghold of the Livingstones of Drumry. They were related to the Livingstones of Calendar, who became so prominent in the reign of King James the Second, but did not share in the sudden reverse of that family in 1450. Their castle, of which the ruins are extensive, would probably be of a style befitting their pretensions, but it may have been built on the site of an older mansion.

David Wemyss, who in these and all other of his transactions, is designed laird of Methil, possessed other lands in Perthshire, besides one-half of Inchmartin in that shire, and the lands of Wester Wemyss in Fife. These were the lands of Ardargy, which about 1296 were in possession of Sir David Wemyss, lord of the half-lands of Lochore. They must therefore have formed part of that barony, and been gifted by Sir David Wemyss to his second son John, from whom they descended to the subject of the present memoir. He wadset or mortgaged them to Thomas Charteris of Cangnor, in December 1429, under special conditions as to re-mortgage.[1] This, with the arrangement of his sister's marriage to Hugh Fraser of Lovat, is the last act recorded of this laird of the Wemyss, who died before September of the following year, 1430.[2]

As already stated, David Wemyss married Christian Douglas, who in former pedigrees is said to have been a daughter of Sir William Douglas of Lochleven. This is doubtful, as she is described as the widow of a Sir William of Douglas,[3] and appears really to have been

[1] Vol. ii. of this work, pp. 58-60.

[2] *Ibid.* pp. 60, 267; Bower notes [Fordun à Goodall, vol. ii. p. 490], that a flying pestilence visited Scotland towards the close of this year, and to it David Wemyss may have early fallen a victim.

[3] Vol. ii. of this work, p. 47.

the daughter-in-law of the laird of Lochleven. One of his sons, hitherto unknown to genealogists, Sir William Douglas of Logton and Lochleven, brother of Henry Douglas of Logton, accompanied the Earls of Buchan and Wigtown to France, and died there in the year 1421, probably killed either at Baugé or Fresnay-le-Comte.[1] There is no evidence on the point, but the date of his death suggests that this Sir William had been the husband of Christian Douglas. Of what family she herself was does not appear.

Christian Douglas survived her husband David Wemyss and married again, before 1443, Sir James Auchinleck of Auchinleck. He took part in the arrangements for the marriage of Euphamia Wemyss, his wife's daughter, in that year.[2] He also, from the terms of an obligation granted by him in 1444 to Andrew Ogilvy of Inchmartin, appears to have acted in some degree as a guardian to John Wemyss, son of David, and his sisters.[3] Two years later he and his wife Christian Douglas resigned in favour of her son, John Wemyss of that ilk, the liferent of all her terce lands, to which she had right through the death of her husband David Wemyss, except the third of Inchmartin, which Sir James exchanged with Sir Andrew Ogilvy for the lands of Glen during life. In return she received in liferent the lands of Strathardle, Balhall, Wardropstown, with the fishings, Auchinleven, Harlaw, and Ardown, Kinnaird, Pitcovy, with her third of Auchinlasse.[4] She was still alive in 1465, but died before 1490, leaving issue by Sir James Auchinleck, Sir John Auchinleck and two brothers, James and Adam. Sir John Auchinleck and his brother James married respectively Elizabeth and Giles Melville, co-heiresses of Alexander Melville of Glenbervie. James died without issue, but Sir John's

[1] The Douglas Book, by William Fraser, C.B., vol. i. pp. 406, 407; vol. iii. pp. 57, 58.

[2] Vol. ii. of this work, pp. 65, 66.

[3] Original Obligation, of date 7th October 1444, in the Melville Charter-chest.

[4] Agreement noted in MS. 34, 6, 24, in Advocates' Library, Edinburgh. John Wemyss was to act as his mother's bailie over the lands.

grand-daughter Elizabeth married William Douglas, second son of Archibald, fifth Earl of Angus, and became ancestress of the Douglases of Glenbervie, Earls of Angus.[1]

David Wemyss and Christian Douglas had three children, one son and two daughters :—

1. John Wemyss who succeeded his father, and of whom a memoir follows.

1. Euphamia, betrothed in 1428 to William Livingstone, younger of Drumry, and in 1443, to David, son of Andrew Ogilvy of Inchmartin, but it does not appear that she married either.

2. —— A daughter, name unknown, whom it was proposed in 1444 to marry to a nephew of Andrew Ogilvy, but nothing further has been ascertained regarding her.[2]

[1] Acta Dominorum Concilii, pp. 129, 160. The Douglas Book, by William Fraser, C.B., vol. iii. p. 244.

[2] Obligation, 7th October 1444, *ut supra*.

Seal of David Wemyss, 1423; quarterly, 1 and 2, a lion rampant *gules*, for Wemyss; 2 and 3, a lion rampant *sable*, for Inchmartin.

VIII.—Sir John Wemyss of Wemyss.

Margaret Livingstone (Drumry), his wife.

1430—1502.

John Wemyss, afterwards Sir John Wemyss of that ilk, succeeded his father, David Wemyss, in 1430.[1] He was then a boy of about five years old, being born apparently in 1425, as he is said to have reached the age of fifteen before Martinmas 1440.[2] During his pupillarity he was, for a time, under the tutory of Michael Wemyss, his uncle. This appears from certain proceedings instituted against him and his tutor in 1432, by Sir Andrew Gray of Foulis. Gray asserted that there was a deficiency to the extent of 115 merks in the value of the land granted to his son as dowry with Elizabeth Wemyss, aunt of John Wemyss. The dispute went to trial before the sheriff of Perth, and Michael Wemyss appeared in defence of his ward. He pleaded that the latter was still under age, and ought not to answer to any plea which affected his fee and heritage so long as he was a minor. He supported this by offering securities, but they were rejected, and he finally protested that the judge was prejudiced, and declined the authority of the court.[3] A few months later, a jury of Fifeshire barons found that 160 merks were still owing under the marriage contract between Andrew Gray and Elizabeth Wemyss.[4]

In 1441, another inquest was held, which declared that John

[1] According to an old inventory of writs at Wemyss, John Wemyss received a charter from Robert Livingstone of Drumry, and was infeft in the lands of Wester Raith, Glenniston, and Powguild, on 14th March 1431-2.

[2] Inquest as to the age of John Wemyss, 28th February 1440-41, in Charter-chest of Lady Elizabeth Leslie Melville Cartwright,

[3] Vol. ii. of this work, pp. 64, 65.

[4] Note of inquest, dated 6th March 1432-3, in MS. 34, 6, 24, Advocates' Library, Edinburgh.

Wemyss was now beyond the age of tutory,[1] and he and his two sisters then seem to have passed under other guardians, among whom was his mother's husband, Sir James Auchinleck of Auchinleck. The latter appears on behalf of the children of the late David Wemyss in more than one transaction. Thus, in 1443, he required that the son and heir of Sir Andrew Ogilvy of Inchmartin should, under a penalty of 500 merks, within forty days, fulfil a contract of marriage made with Euphemia Wemyss, sister of John, or provide her with a husband able to spend 200 merks yearly. Sir Andrew Ogilvy replied that he could not fulfil the engagement to his son, but he would willingly perform the rest of the bargain.[2] Again, in 1444, Sir James binds himself to effect an agreement between John Wemyss and Sir Andrew Ogilvy of Inchmartin as to exchange of their respective parts of the Wemyss and Inchmartin, a subject which will be discussed later. Sir James further binds himself that John Wemyss shall not disinherit his sisters, and promises to procure for Sir Andrew a letter of sanction from the Earl of Douglas or other noblemen for entailing the lands of Sir Walter Ogilvy, sheriff of Angus, those of Sir Andrew himself, and of his nephew, David Ogilvy. The agreement concludes with a reference to certain sums to be recovered for the marriage of John Wemyss, and given to Sir Andrew Ogilvy for the marriage of his son and his nephew to the sisters of Wemyss.[3]

Arrangements for effecting an exchange of lands between John Wemyss and the Ogilvies were begun in the following year, 1445; but before touching on these proceedings, which were prolonged over a long term of years, it may be noted that John Wemyss married, some time before March 1448, Margaret Livingstone, a daughter of Sir Robert Livingstone of Drumry. This union seems to have secured

[1] Retour, dated 28th February 1440-41, in Melville Charter-chest.

[2] Vol. ii. of this work, pp. 65, 66.

[3] Original obligation, dated at Perth 7th October 1444, in Melville Charter-chest.

the permanency of the arrangements made in 1428, detailed in the preceding memoir, by which Sir Robert Livingstone obtained the lands of East Wemyss, and the western portion of Wemyss-shire, or West Wemyss, remained with David Wemyss, while it drew closer the relationship between the families, and saved John Wemyss from any claim which the Livingstones could make on his estate through their descent from any former co-heiress of Wemyss.[1]

Shortly after his marriage John Wemyss received, upon his own resignation, a crown charter to himself and his wife of the lands of Wardropstoun, in Kincardine; the lands of Balhall, in Forfarshire; the lands of Strathardle, Inchmartin, Pitmiddil, Kinnaird, Elcho, Balhepburn, Ardargie, and Dron, in Perthshire; and Wemyss, Tillybreak, Little Lun, Cameron-mill, Haugh, Wemyss-Tarvit, and Petconnochie, in Fifeshire.[2]

The portion of Wemyss-shire given off to the Livingstones appears, by the agreement of 1428, to have been estimated as one-third, two-thirds remaining with David Wemyss in property or tenantry. David Wemyss and his son John, owing to descent on the mother's side from the eldest co-heiress of Sir Michael Wemyss in 1342, had an indisputable right to part of Wemyss. But the other descendants of the same co-heiress were numerous, and as many years were occupied, between 1445 and 1457, in acquiring their rights over the same lands, it will be necessary to state who they were, that the various negotiations afterwards to be narrated may be clearly understood.

[1] The charter granted by Sir Robert Livingstone to his daughter and son-in-law describes him as "of Drumry and of the barony of Lochore," and shows that though so much had been given up to him in property, he also exercised a joint superiority over other parts of the estate held by the family of Wemyss before 1296, including Wester Raith, Glenniston, and Powgnild, which he could do only by descent from one of the co-heiresses of Sir Michael Wemyss in 1342. [Vol. ii. of this work, p. 69.] According to a paper in the Wemyss Charter-chest, he was descended from the youngest daughter of Sir Michael.

[2] *Ibid.* pp. 71, 72. 20th April 1448.

As formerly related, the whole estates which in 1342 were in possession of Sir Michael Wemyss of that ilk, passed into the hands apparently of three co-heiresses and their respective husbands. The eldest, with whose descendants John Wemyss had chiefly to deal, married the laird of Inchmartin, and had issue one daughter, Isabel, who married Sir Alan Erskine. Sir Alan and his wife had two daughters, also co-heiresses, the elder of whom, Margaret, married Sir John Glen of Balmuto, while the younger, Isabel, married Sir John Wemyss of Reres. Sir John Wemyss and his wife, Isabel Erskine, were succeeded in the half of Inchmartin and other possessions of Isabel, by their son David, and their grandson, the subject of this memoir, who thus inherited through Isabel Erskine the half of Inchmartin, part of the barony of Elcho, part of Wemyss, and other lands. The other portion of these lands was for a time in possession of Margaret Erskine, who married Sir John Glen of Balmuto. Sir John Glen and his wife had issue three daughters, co-heiresses, who in turn carried all the Glen estates, with shares of Inchmartin, Wemyss, etc., to their husbands.

Margaret or Marjory Glen, who in 1452 describes herself as the eldest daughter, married, probably before 1419, Andrew Ogilvy, afterwards styled Sir Andrew Ogilvy of Inchmartin.[1] Isabel Glen, apparently the second daughter, married, also before 1419, Walter Ogilvy of Lintrathen. Her father was then dead, and her mother, Margaret Erskine or Glen, granted to her son-in-law, Walter Ogilvy, and to Isabel her daughter, her share or one-half of the lands of Auchleven, Ardune, and Harlaw, in the regality of Garioch and shire of

[1] In 1439, Andrew Ogilvy and Marjorie, his wife, granted to David Boswell of Craigencat one-third of the lands of Balmuto in exchange for half of the lands of Wester Dron, in Fife. [Registrum Magni Sigilli, vol. ii. Nos. 217, 218.] This appears to be the first acquisition of Balmuto by the Boswells. In a recent work [Exchequer Rolls, vol. i. p. cxxx.] it is stated that "one of the co-heiresses of the Glen family married, in the reign of Robert III., Sir John Boswell of Balgregie, and brought to him the estate of Balmuto," but no proof of this is given, and in the face of the charter now referred to, the statement is doubtful.

Aberdeen.[1] Isabel Glen married, secondly, Robert Cunningham of Auchinbowie who, in 1457, claimed in her right a share of Wemyss-shire, and whose grandson in 1513 sold to the then laird of Wemyss one-sixth of the Wemyss and one-sixth of Elcho.[2]

The third and apparently the youngest daughter, Christian Glen, resigned in the hands of King James the First, in favour of herself and her future husband, David Ogilvy, her share of the lands of Inchmartin, Strathardle, Kinnaird, Elcho, Ardargie, Dron and Achlaskie, in Perthshire, Wemyss, Balmuto, and Petconnochie, in Fife, Glen, in Peeblesshire, and Glenslands, in Roxburghshire. This resignation, which was followed by a charter from King James the Second, shows the extent of the lands which were divided among the daughters of Sir John Glen and Margaret Erskine.[3] David Ogilvy, who was a brother of Sir Andrew Ogilvy of Inchmartin, is in 1434 described as of Balmuto.[4] He died before 1440, leaving, by his wife, Christian Glen, one son, Alexander Ogilvy of Kinneff, and three daughters, Margaret, Christian, and Marjorie.[5] Alexander Ogilvy, then designed of Duntrune, received, in 1464, from his mother Christian Glen, her one-sixth of Inchmartin, which in the following year he sold to his cousin David Ogilvy of Inchmartin.[6]

Alexander Ogilvy, who is variously designed of Duntrune and Kinneff, died before 1480, without surviving issue, and his three sisters inherited as his heirs of line and of tailzie.[7] Margaret Ogilvy,

[1] The lands were given to the spouses in conjunct fee, then to their son Walter Ogilvy, then in succession to David, Alexander, Patrick, and George, all brothers-german of Walter Ogilvy, apparently the elder, though this is not stated. This charter was confirmed by Alexander Stewart, Earl of Mar and Garioch, as overlord. [Original in the Earl of Airlie's Charter-chest. 20th November 1419, and 2d January 1420. Miscellany of Spalding Club, vol. iv. pp. 115-117.]

[2] Vol. ii. of this work, pp. 80, 81, 272, 273.

[3] Charter by King James the Second to David Ogilvy and Christian Glen, dated 1st June 1437, in Melville Charter-chest.

[4] Registrum Magni Sigilli, vol. ii. No. 1550.

[5] Original Indenture, 31st July 1449, between Alexander Ogilvy of Kynneff, and his uncle Sir Andrew Ogilvy of Inchmartin, as to his sisters, in Melville Charter-chest.

[6] Registrum Magni Sigilli, vol. ii. Nos. 821, 835.

[7] Original writs in Melville Charter-chest.

the eldest, married Silvester Rattray of that ilk, knight, and in 1492 granted her share of Ardargie, Elcho, and other lands to her son Thomas. Andrew Rattray of Westhall, probably her grandson, sold in 1522 his one-eighteenth part of West Wemyss to Sir William Scott of Balwearie, whose descendants held it until 1617, when it was acquired by the then laird of Wemyss.[1] Marjorie Ogilvy, another daughter, married Walter Tulloch of that ilk, as in 1481 Dorothie Tulloch, one of his two daughters, was retoured heir to her grandmother, Christian Glen.[2] Christian Ogilvy, the remaining daughter, married —— Lindsay, of what family is not certain, and had, apparently with other children, a son and heir, John Lindsay, whose eldest son Alexander, in 1516, held various lands in Strathardle, a ninth-part of Kinnaird and Ardargie, an eighteenth of Elcho, in Perthshire, with one-eighteenth of West Wemyss and other lands in Fife, which he sold to James Bisset of Easter Kinneff. Bisset, in 1541, resigned them in favour of David Wood of Craig, a second son of Dorothie Tulloch already noted; and Wood disposed of the eighteenth part of West Wemyss and other lands in Fife, and the eighteenth part of Elcho and other lands in Perthshire to John Wemyss of that ilk.[3] Another eighteenth part of West Wemyss was for a short time in possession of Sir William Scott of Balwearie, in what way does not appear, and it was acquired by the laird of Wemyss in 1508.[4] These three eighteenth parts make up the one-sixth of West Wemyss and other lands which fell to Christian Glen. Christian Glen married, some time before December 1440, as her second husband, David of Abirkerdor, who seems to have been a burgess of Dundee. Before 1457 she had married as her third husband, David Stewart of the

[1] Vol. ii. of this work, pp. 271, 274; original papers at Wemyss.

[2] Original memorandum at Wemyss, undated.

[3] Original writs in Melville Charter-chest; Registrum Magni Sigilli, vol. iii. Nos. 119, 2359, 3237; charter to Wemyss dated 2d May 1546.

[4] Charter, etc., by Sir William Scott to David Wemyss of that ilk, 1508, in Wemyss Charter-chest.

Gloom, and in that year their share of the Wemyss was leased to Robert Cunningham of Auchinbowie.[1]

Having thus shown the numerous co-proprietary rights over Wemyss, the story of the negotiations for their acquisition by John Wemyss may now be told. The first step was an agreement between John Wemyss and Sir Andrew Ogilvy of Inchmartin, the husband of the eldest daughter of Sir John Glen, to the effect that Sir Andrew should have the part of Inchmartin belonging to John Wemyss, while the latter in exchange should have Sir Andrew's portion of Wemyss, the Glen and Elcho, with the manor. Both parties were to meet at Perth on the 16th November following, that four arbiters, with Sir James Auchinleck as oversman, might value the lands, and to these arbiters other two were to be added, one by each party, to arrange the matter. If the lands of Inchmartin belonging to Wemyss were of greater value than Sir Andrew's lands of Wemyss, the Glen and Elcho, John Wemyss and his heirs were to receive payment of the difference from the lands of Dron, belonging to Sir Andrew. In the same way, if Sir Andrew's part of Wemyss, the Glen and Elcho, exceeded the laird's half of Inchmartin, the lands of Dron belonging to Wemyss were to make up the difference. Further, if Alexander Ogilvy, son and heir of the late David Ogilvy, should marry a sister of John Wemyss, as was proposed, the latter was to give him an equivalent for that part of the Wemyss-shire and of Elcho which he holds in fee; the whole lands to be held as freely as formerly of the overlords. A further condition enjoined the parties to submit to the arbiters the count and reckoning between them as to the rents of the ward lands of Strathardle and Elcho, to which Sir Andrew had allowed John Wemyss to enter before his full age.[2]

[1] Inchmartin papers in Melville Charter-chest; vol. ii. of this work, p. 81. Christian Glen died before 1481, and her third husband was also dead about 1488. [Registrum Magni Sigilli, vol. ii. No. 1762, Acta Dominorum Concilii, p. 260.]

[2] Original transumpt, made 21st April 1449, of the agreement dated at Edinburgh, 31st August 1445, in Melville Charter-chest.

This agreement, as recited, with various other formal clauses, was duly completed by the parties, but the fulfilment of it was at once beset with difficulties. The arbiters delayed to give their award, and two years later letters threatening excommunication were issued against them at the instance of Sir Andrew Ogilvy. These apparently failed to produce any effect, though followed up by a mandate from the king.[1]

New arbiters were then chosen, and parties were obliged to compear, but delays again arose, John Wemyss being the delinquent. Thus, on 25th February 1450, Sir Andrew Ogilvy appeared, and in the absence of Wemyss set forth his own claims, in which he alleged the other party should be condemned. He claimed John Wemyss' part of Inchmartin, principally the tenandry of "Ebrukis," and his quarter of Wester Dron, free of mortgage—the yearly value being £33, 6s. 8d., and £19 worth of land. In exchange Wemyss was to receive Sir Andrew's parts of the Glen, Wemyss-shire, and Elcho, valued at £36, 13s. 4d., his superiority of Duniface, valued at five merks of property, his part of the coal, salt, and the sea-havens, and his manor of the Wemyss, for twenty merks worth of land, paying to Sir Andrew Ogilvy for the building of the manor three hundred merks. If this exchange did not hold, and his manor remains with him, Sir Andrew asked one hundred merks for the wear and defacing of it; and he further demanded £140, and £10, 15s. 8d. of rents and debts due to him by John Wemyss.[2] In the end matters were so arranged that, in August of the following year, Sir John Ruthven, then sheriff of Perthshire, in terms of the agreement between the parties, issued a precept for infefting Sir Andrew Ogilvy in the

[1] Monition by the Bishop of St. Andrews, 9th June 1447, and Precept by King James the Second, 12th November 1447. Transumpts in Melville Charter-chest.

[2] Notarial Instrument narrating the above facts, dated at St. Andrews, 25th February 1449-50, in Melville Charter-chest.

half lands of Inchmartin formerly belonging to John Wemyss, which was followed by sasine.[1]

But the lands of Dron, from which deficiencies in the value of the lands exchanged were to be made up, became in turn the subject of dispute. John Wemyss of Methil was accused of spoiling the goods of Sir Andrew Ogilvy and his tenants in the lands, and also of deforcing the officer of the sheriff of Fife. For these offences he was summoned before the lords of Council, and refusing to compear, his lands and rents were declared to be in the king's hands, and himself ordered to be warded, for contempt of the king's letters. He was also ordained to restore the goods. This act of Council was ratified by King James the Second, and the usual charges directed to sheriffs. What further proceedings then took place are not recorded, but the dispute was only brought to a termination three years later.[2]

In the interval, Patrick Gray, son and heir of Andrew, first Lord Gray, and cousin of John Wemyss, in the course of an agree-

[1] Precept dated 15th, and sasine dated 18th August 1451, *ibid.* A document, preserved in the Melville Charter-chest, which does not directly relate to Wemyss, but which was perhaps drawn up in view of what followed, may here be noted. On 10th September 1452, Marjory Ogilvy, daughter of the late Sir John Glen of that ilk, and principal and eldest heiress to him and to Dame Margaret Erskine of Inchmartin, issued letters of procuratory in favour of her husband, Sir Andrew Ogilvy of Inchmartin, to appear for her in the sheriff-court of Fife and protest, as was formerly done by the late Sir John Glen, and Dame Margaret, his wife, and by Sir John Wemyss and Dame Isabella [Erskine], his wife, in the sheriff-court of Fife, and also by the said Dame Margaret in the sheriff-court of Perth, after Sir John Glen's decease, that any alienations of fee and heritage belonging to the late Dame Isabel of Inchmartin, unlawfully made by her or Sir Alan Erskine, her spouse, and principally those of the lands of Wemyss Tarvit, in Fifeshire, and the lands of "Carrik and Glenerochquhi in the lordship of Kylbrochqwy," in the regality of Athole and sheriffdom of Perth, should in no way prejudice the said Marjory or her co-portioners. This protest was duly made, and attested by the sheriff of Fife, on 23d October 1453.

[2] Letters ratifying the act of council (dated 17th November 1453) issued under the quarter seal, of date 19th November 1453, in the Melville Charter-chest.

ment about a lease of half of Inchmartin, had bound himself to mediate between his cousin and Sir Andrew Ogilvy.[1] His intervention resulted in another agreement between Sir Andrew Ogilvy of Inchmartin, David Ogilvy, his son and heir, and John Wemyss of that ilk, almost identical in terms with that of 1445, save that the arbiters were different and the lands of Dron were included.[2] Two days after the agreement the arbiters, of whom Patrick Gray was one for John Wemyss, met and issued an award. Sir Andrew Ogilvy and his son David were to have the half of Inchmartin formerly belonging to John Wemyss, who was to have their part of the Wemyss-shire, with three-fourths of the lands of Dron, he paying therefor two merks yearly to David Boswell and his heirs. He was further to receive the share of the lands of Elcho belonging to the Ogilvies, the whole lands exchanged to be held freely of the king. And because the lands of Inchmartin were held blench, while Wemyss-shire, Elcho, and Dron were held for ward and relief, the arbiters assigned to John Wemyss, under reversion, six merks worth yearly of Wester Inchmartin, until Sir Andrew Ogilvy or his son procured the Wemyss-shire, etc., also to be held blench. John Wemyss was directed to set free to Sir Andrew and David Ogilvy all the thirds of the lands of Inchmartin belonging to his mother for her life by reason of terce. In regard to the rents uplifted by Sir Andrew Ogilvy from the Wemyss half of Inchmartin, the arbiters found that John Wemyss had uplifted as much from Sir Andrew's share of Wemyss-shire, Dron, and Elcho. There was, however, a balance in Sir Andrew's favour, the rents uplifted by him exceeding the other by £12, 1s., but if he undertook to pay that sum

[1] Transumpt made 27th April 1455, in Melville Charter-chest, of obligation by Patrick Gray (not dated), in which he upgives the lease he had of the half of the lordship of Inchmartin, excepting part of Petmiddil; and if the mediation referred to fails, he further binds himself not in any way to deal with the lands belonging to John Wemyss through his father David Wemyss, nor yet to take part against Sir Andrew Ogilvy.

[2] Vol. ii. of this work, pp. 73-75. Perth, 11th May 1456.

to "the pure men of the Drone," he would be discharged, and John Wemyss would satisfy the remainder of their lawful claim. Compensation was to be given to John Wemyss for any deficiency of his Whitsunday rent of Wemyss-shire by the king's "recognition" or their lying waste, and with this clause the award concludes. It was then sealed by all the parties in token of consent, and so this vexatious and tedious negotiation virtually came to an end.[1]

There remained, however, the other descendants of Margaret Erskine or Glen to deal with, but the arrangement with their representatives was made speedily and amicably. About eighteen months after the agreement with the Ogilvies, John Wemyss entered into treaty with Robert Cunningham of Auchinbowie, husband of Isabel Glen, who on behalf of his wife and himself exchanged their part of the lands of Wemyss-shire for the lands of Ardargie held by Wemyss. Cunningham further agreed to lease to John Wemyss for a term of eleven years that part of the Wemyss-shire belonging to Christian Glen and David Stewart of the Gloom, her husband, and which Cunningham held from them by assignation. In return he was to have the part of Pitconnochie belonging to John Wemyss and four merks of the lands of Dron, the latter under burden of a pension, as arranged.[2] It appears, however, that John Wemyss and his heirs remained as tenants and not as proprietors of the part of Wemyss-shire thus exchanged, until the year 1513, when it was added to the

[1] Perth, 13th May 1456. Vol. ii. of this work, pp. 75-80. A few minor details were settled later, which will be noted at their date, but the affair was practically concluded. About a month after the award David Ogilvy granted a precept for infefting John Wemyss in his part of Wemyss-shire, viz., the ninth part of the whole lordship of Wemyss-shire, the sixth part of Elcho, and three-fourths of Dron, in exchange for Inchmartin, in terms of a charter granted by him with consent of his father Sir Andrew Ogilvy. [Cf. vol. ii. of this work, p. 267.]

[2] 15th November 1457. Vol. ii. of this work, pp. 80, 81. In October of this year, John Wemyss of that ilk was one of a jury who made a perambulation of the boundaries of the lands of Kinghorn, Easter and Wester, Craigencat, and Woodfield. [Registrum de Dunfermelyn, p. 346.]

estate by purchase.[1] The laird of Wemyss also rented other parts of his lands from other descendants of Christian Glen, as will be shown on a later page.

About the year 1460, perhaps at the coronation of King James the Third in that year, the laird of Wemyss was raised to the rank of knighthood. He still held the superiority of his half of the lands of Inchmartin, and, in 1461, he and David Ogilvy, younger of Inchmartin, exchanged charters of their respective lands. Sir John Wemyss granted to Ogilvy the half lordship of Inchmartin, while he received in return a charter of Ogilvy's lands of Wemyss-shire and others, namely, one-ninth of Wemyss, three-fourths of Dron, in Fifeshire, and one-sixth of Elcho, with Elcho Castle, in Perthshire. The charters were both granted at Perth on the same day.[2] Sir John Wemyss was to have regress to Inchmartin, should he be ejected from the lands of Wemyss-shire and others named, and at the same time he gave letters of reversion of the lands of Wester Inchmartin according to the decree-arbitral. A sum of 26s. 8d. of annualrent from Dron was to be paid to David Boswell of Craigencat, and at a later date he further obliged himself that even if David Boswell's part of the Dron were recovered from him, he would not break the agreement with his cousin, David Ogilvy of Inchmartin, but would seek recourse against Boswell's lands of Balmuto, the respective values of the Dron and Balmuto being settled by the advice of friends.[3]

[1] Cf. vol. ii. of this work, pp. 128, 129, 273. The lands extended to one-sixth of the Wemyss and one-sixth of Elcho and Balhepburn. On 19th August 1458, Robert Cunningham and his wife granted a procuratory appointing John Wemyss and others to act on their behalf in obtaining from the sheriff of Fife a brieve for a perambulation of the lands of Wemyss to have them divided. [Noted in MS. 34, 6, 24, Advocates' Library, Edinburgh.]

[2] Perth, 15th May 1461. That by Sir John Wemyss to David Ogilvy was confirmed by King James the Third on 10th August 1468. Infeftments duly followed on the respective charters. Vol. ii. of this work, pp. 267, 268; Registrum Magni Sigilli, vol. ii. No. 964.

[3] Original reversion, 12th May 1461, and original obligation, 26th March 1462, in Melville charter-chest.

Sir John Wemyss entered into an agreement in 1463 with Christian Ogilvy, daughter of Patrick Ogilvy of Auchterhouse, who, as previously narrated, was the third wife of his grandfather, Sir John Wemyss of Reres.[1] He was obliged in 1465 to wadset or mortgage his lands of Methil, which were held by his mother, Christian Douglas, as conjunct fiar. She, however, resigned in favour of her son, who then granted a wadset of half the lands to the prior and convent of St. Andrews, and of the other half to the sub-prior and convent of Lindores for the sum of seven hundred merks, receiving from them a letter of reversion.[2] The bishop of St. Andrews, as superior, ratified the mortgage to both parties.[3]

The period at which the mortgage was to terminate is not stated, but five years later, a question arose between the parties about the redemption of the lands. In April 1470, the sub-prior of St. Andrews took a protest in the hands of a notary to the following effect:—That at the command of the prior he had gone to the altar of St. Katharine the Virgin, in the cathedral of St. Andrews, in obedience to a summons from Sir John Wemyss to receive the money for the redemption of Methil, the prior and convent being ready to receive the money and to liberate the lands in terms of the reversion; and because he neither saw nor perceived any money either in gold or silver, counted down on the said altar, he made protest that whatever might be said or done by Sir John as to the redemption or regress to the lands should not prejudice the prior and convent on account of defect of payment.

Sir John Wemyss replied to this protest by taking the matter into the Church courts, and appeared before the official of St. Andrews as pursuer, requiring the sub-prior and convent to answer certain pertinent questions. Both parties were represented by their pro-

[1] Vol. ii. of this work, pp. 82, 83.

[2] *Ibid.* pp. 84-88. 2d and 5th May 1465.

[3] *Ibid.* pp. 88-91, 268, 269.

curators, and Sir John's procurator demanded answer to the questions which had been handed to his opponents. Sir John's questions, which were in the vernacular, were then read, in which he asked the sub-prior and convent of St. Andrews whether they denied or granted the possession of the wadset of the half of Methil; whether they granted the occupation of the lands, and the receipt, of the profits thereof in time past; "the quhilk wedset," he concluded, "be law of oure modir haly kirk is werre crime of okire (usury), as is oppinly knawin til al the membris of haly kirk." The reply of the sub-prior, which was in Latin, answered each query separately:—That the sub-prior and convent neither had nor received any possession of the wadset of the half of Methil; they did not acknowledge occupation, or receipt of the past profits; as for the charge of usury, they deny having received a penny or a penny's-worth, and thus they have in no way committed usury, which crime, therefore, ought not to be imputed to them.[1] Further proceedings are not recorded, but the final redemption of the lands did not take place until 1484, when Methil again came into full possession of Sir John Wemyss, through the usual formalities.[2]

Before the same ecclesiastical court Sir John Wemyss was defender in another cause in 1475, at the instance of Mr. Michael Livingstone, vicar of Wemyss. Questions had arisen on the subject of the vicar's teinds, which it was thought needful to settle definitely. The official of St. Andrews therefore heard the evidence for both parties as to the teinds of coals, salt, fish, peats, turf, heather, and common pasture claimed by Livingstone by reason of his vicarage, and by the advice of Sir Thomas Wemyss of Reres and others as assessors, pronounced decree as follows:—First, that the teind coals of the coal-heughs of the laird of Wemyss should be levied upon the multure of the coal-

[1] Vol. ii. of this work, pp. 96-98. 8th June 1470.

[2] Papers relating to the redemption, etc. 21st March, 30th April, 1st and 2d May 1484; *ibid.* pp. 101-107, 270.

heughs in the place from which they are led to the sea. That, as to the teind of salt, the vicar shall have the true tenth of each pan in the week paid wholly to him at the pan, according as it happens. That the vicar shall have the whole teind of fish paid at the boats according as he ought of right to receive. As to peats, turf, and heather, the vicar shall have, at his own house and manse, fuel for himself and his household; and as to other tenants he shall have nothing but what he can show was granted in his foundation charter, or by any authentic writing. The decree was to be published, and kept inviolate by both parties.[1]

On the occasion of the marriage of his son and heir, John Wemyss, in 1468, Sir John Wemyss resigned, in his favour, the greater part of his lands, and when Methil was redeemed in 1484, Sir John resigned it also, the liferent of the whole lands being reserved to him and Margaret Livingstone, his spouse.[2] Some time before 1487, he granted to his son David, apparently his second and only younger son, his lands of Auchleven and others.[3] At a later date, about 1489, Sir John and his wife were for some reason divorced from each other, and in October of that year he made an amicable arrangement with his late wife, by which, for reasons of mutual convenience, he assigned to her certain portions of her jointure lands, retaining others in his own hands.[4]

Besides these family arrangements, little has been found on record regarding the later years of Sir John Wemyss, except a series of litigations.[5] Only one of these is of sufficient interest and importance to

[1] Charters of the Collegiate Churches of Midlothian, pp. 71-73. From an entry in an old inventory of writs at Wemyss, Mr. Michael Livingstone seems to have had difficulties about his teinds with the proprietors of East Wemyss also, as Robert Livingstone of Drumry obliges himself, on 24th November 1495, to relieve the vicar of all actions debateable between him and the executors of the late Robert Livingstone of Drumry.

[2] Vol. ii. of this work, pp. 91, 107, 269, 270.

[3] Registrum Magni Sigilli, vol. ii. No. 1805.

[4] Vol. ii. of this work, pp. 111-115.

[5] Beside the question affecting the lands narrated in the text, Sir John Wemyss was concerned either as pursuer or defender in a number of minor affairs, which may be briefly noted. In 1482 he and others were ordered to make full restitution of a number of oxen and sheep, with

be referred to at length, as it has a direct bearing on the various divisions of Wester Wemyss. In October 1490 Sir John Wemyss and his eldest son were pursued at the instance of James Oliphant of Archellie for wrongful occupation and withholding the rents of one-sixth part of Easter Elcho and Balhepburn, and part of Wester Wemyss. These lands did not belong to Oliphant by inheritance, but had been purchased by him about three years before, from Dorothie Tulloch of Ardargie, one of two daughters, heiresses of Walter Tulloch of Bonnyton, in Forfarshire, and wife of Walter Wood.[1] It would appear that, while Sir John Wemyss and his son acknowledged the proprietary rights of the descendants of Christian Glen, and paid rent to them, they disputed Oliphant's title, as he claimed arrears of rent from Elcho for the three years of his possession, and two years' rent from Wester Wemyss. The defenders alleged that they occupied the

a horse, wrongfully taken from David Wemyss, tenant of Balbeiggy, but reserving to him his right to the rent. [5th December 1482, Acta Auditorum, p. 101.] On 3d February 1489 Sir John was adjudged to pay 100 merks remaining due of 240 merks of tocher promised to his son-in-law, David Boswell of Balmuto. [Acta Domiconum Concilii, p. 104.] On 5th November 1490 he was adjudged to pay a chalder of oats, worth 10 merks, with other 40 merks, and 20s. costs, to Paul Ramsay and Christian, his wife. [*Ibid.* p. 163.] On 14th January 1492-3 he was ordered to pay £20 Scots to Andrew, abbot of Lindores, in terms of an obligation by himself and his eldest son. [*Ibid.* p. 259.] Later in the same year Sir John was called as a witness in a dispute between Margaret Boyis, widow of John Wemyss, tenant of the Haugh, and Sir John Wemyss of Strathardle and others [12th June 1493, Acta Auditorum, p. 175], and was ordered to warrant the widow in the lease of the lands of Haugh, for six merks yearly, which he had granted to her and her husband, and the survivor, thirty years previously. [15th October 1493, Acta Dominorum Concilii, p. 299.] On 11th July 1494, Sir John was adjudged to pay to John Balfour eight cows or oxen, or their value, in terms of a decreet-arbitral, and on 13th June 1495 an action by him is referred to in a royal order continuing the court to a later date. [*Ibid.* pp. 373, 384.]

[1] Charter to James Oliphant by Dorothie Tulloch, 20th May 1487. Registrum Magni Sigilli, vol. ii. No. 1689. Dorothie Tulloch was a grand-daughter of Christian Glen. [Cf. p. 80 of this volume.] She possessed also part of Strathardle, which she resigned before 1512 [Registrum Magni Sigilli, vol. ii. No. 3682], and she claimed, "by decease of Christian Glen," one-eighteenth of Inchmartin. [Acta Dominorum Concilii, p. 260, 15th January 1492-3.]

lands as tenants, and that they had paid the rents and duties to their lairds. The lords of Council ordered proofs of this averment to be forthcoming, and failing such proof, they decerned Sir John Wemyss and his son to pay the past rents to Oliphant, and to desist from occupying the lands. The affair, however, was probably arranged out of court, as no further proceedings are recorded.[1]

A few months before the death of Sir John Wemyss, the lords of Council decided a dispute between him and his neighbour, Sir Robert Livingstone of Drumry, apparently arising out of a misunderstanding as to the contract of 1428, referred to in the preceding memoir. Both parties being present in court, the lords directed that Sir Robert Livingstone should discharge the whole expenditure incurred by Sir John Wemyss and his eldest son, in labouring the coal and salt in West Wemyss, the third part of the profit of six salt-pans, and the third part of one continual coal-heugh there in any time bygone, for the profits that Sir Robert should have had in time past; that in time coming Sir Robert should have the third part of these, he paying the cost incurred, in terms of the agreement of 1428. The lords of Council further directed that the parties should fulfil that agreement to each other in all points in future, reserving to third portioners of the Wemyss any action competent to them.[2]

Sir John Wemyss may be said to have died fighting—in the law courts—as, besides the above dispute and the numerous litigations formerly referred to, his last recorded act, shortly before his death, was to appoint procurators to pursue on his behalf his own son and heir, Sir John Wemyss of Strathardle, Andrew Kinninmonth of that ilk, and others. A security given by the elder Sir John on behalf of the younger for the sum of 396 merks due as tocher to Andrew Kinninmonth on his marriage with Agnes Wemyss, grand-daughter of the

[1] Acta Dominorum Concilii, p. 159. 25th October 1490.

[2] Extract decree, 23d July 1501. Vol. ii. of this work, pp. 115-117.

pursuer, was to be annulled, while Sir John Wemyss of Strathardle was to relieve his father of that sum. The procurators were then to pursue Sir John Wemyss the younger for awaytaking of 25 bolls of meal, and 5 bolls of bear from his father's places of Elcho and Cameron-mill; while Charles Wemyss, the pursuer's grandson, was accused of despoiling him of two horses. A further complaint against the younger Sir John and David Wemyss of Dron, his eldest son, charged the former with carrying off from the pursuer's place of the Wemyss, out of his "cownt bord," or cupboard there, various charters and other writs, while the latter had pretended a claim to the land of Tillybreak. Other defenders were Janet Ross, widow of the late James Oliphant, Henry Halket of Pitfirran, and Henry Ramsay, sheriff-depute of Fife. Janet Ross and Henry Halket had dealt wrongfully with the lands of Ardargie in Perthshire, and Petconnochie in Fife.[1]

It seems doubtful, however, whether this formidable document was ever acted upon, as Sir John Wemyss died not long afterwards, having reached the age of seventy-six years. By his will he appointed certain executors, but they declined to accept office, and David Wemyss, the testator's grandson and heir, was appointed executor-dative before the end of May 1502.[2]

Sir John Wemyss married, as already stated, Margaret, daughter of Sir Robert Livingstone of Drumry, and they lived together for forty years, from 1448 to 1489, when for reasons unknown, there was a divorce, but they parted amicably. Margaret Livingstone died about 1494. Her eldest son John was retoured heir to her in 1495.[3]

By her Sir John Wemyss had issue two sons and one daughter.

1. John, of whom a memoir follows.

[1] Procuratory sealed by Sir John Wemyss at St. Andrews, 15th February 1501-2. Vol. ii. of this work, pp. 117-119.

[2] On 13th May 1502, just three months after the procuratory. Vol. ii. of this work, pp. 119, 120.

[3] She was alive in October 1493, and deceased before July 1494. Acta Dominorum Concilii, pp. 299, 373; cf. vol. ii. of this work, p. 272.

2. David, who received from his father, in 1487, the lands of Auchleven, in the earldom of Mar, Aberdeenshire, to be held of the Earl of Mar for one gilt spur in name of blench.[1] David Wemyss sold Auchleven in 1490, one-half to Walter Innes of Innermarkie and the other half to Henry Leith of Barns.[2]

The daughter was Grisel, who married David Boswell of Glassmonth, eldest son and heir of David Boswell of Balmuto. On 9th May 1466 her father obliged himself to pay 240 merks of tocher, and on 18th May, same year, he granted to her and her husband the lands of Tillybreak, and an annualrent of 40s. from Little Lun. She and her husband had also a charter of the half lands of Balbedie and Strathruddie, and others in Fife, on 21st December 1466.[3] They had issue.

[1] Registrum Magni Sigilli, vol. ii. No. 1805.

[2] *Ibid.* Nos. 1967, 1968.

[3] Note in MS. 34, 6, 24, Advocates' Library, Edinburgh; Registrum Magni Sigilli, vol. ii. Nos. 894, 982.

Seals of Sir John Wemyss, 1462 and 1489.

IX.—Sir John Wemyss of Strathardle and Wemyss.

Christian Abernethy (Saltoun), his first wife.

Helen Dunbar, his second wife.

1502—1507.

Sir John Wemyss was probably born about the end of the year 1448, and was thus about fifty-four years of age when he succeeded his father. Part of his history has already been narrated in his father's memoir. His first appearance on record is in May 1466 as a consenting party to the settlement of the lands of Tillybreak on his sister Grisel and her husband David Boswell.[1] On his marriage in 1468 with Christian Abernethy, daughter of Laurence, Lord Abernethy of Saltoun, his father resigned in his favour the greater part of his lands,[2] to which, in 1484, were added the lands of Methil.[3] In 1487 he recovered from the superior, William Livingstone of Drumry, baron of the east part of the barony of Lochore, the lands of Little Raith, Powguild, and Glenniston, which had been resumed in the superior's hands for non-payment of the services due. John Wemyss appeared before Livingstone in the parish church of Wemyss, and craved that the lands might be demitted to him in pledge as the

[1] Registrum Magni Sigilli, vol. ii. No. 982.

[2] *Ibid.* Nos. 958, 959; vol. ii. of this work, pp. 91-93. As this resignation took place after the negotiations with the co-heiresses of Inchmartin, the lands resigned may be noted—the lands of Wardropston, with fishings, in Kincardine; Balhall, in Forfarshire; a third of Strathardle [two-thirds were settled on John Wemyss and his wife separately], the lands of Inchmartin, Petmiddil and Kinnaird, the sixth part of Elcho and Balhepburn, all in Perthshire; three-quarters of Dron and of Wemyss, in Fifeshire; also the lands of the half of Elcho, Balhepburn, and Ardargie, in Perthshire; and a fourth part of the Dron, with the lands of Tillybreak, Little Lun, Cameron-mill, the Haugh, Wemyss-Tarvit and Petcounochie, all in Fifeshire. The liferents of the elder Sir John Wemyss and his wife Margaret Livingstone were reserved.

[3] Vol. ii. of this work, pp. 107-109.

true and last possessor, binding himself to do as the law required. This petition was granted, subject to a protest on behalf of the petitioner's mother, guarding her liferent rights in the lands.[1]

After the date of this transaction, which took place towards the end of 1487, John Wemyss was created a knight, and is described as such in every later reference. He may have received this honour at the coronation of King James the Fourth, or he may have been one of those who supported that prince's rebellion against King James the Third, but there is no evidence of this.

Like his father, Sir John Wemyss of Strathardle was frequently involved in litigation. The law-suits in which they were both concerned have been noted or referred to in the previous memoir, but in some instances the younger Sir John alone was the litigant. One of the most important of these actions arose out of a claim made by Christian Abernethy, Lady Wemyss, to some lands in Banffshire. In November 1493, at a sheriff-court held on the Castlehill of Banff, two ladies, Elizabeth Ogstoun, wife of Adam Hepburn, brother-german of Patrick, Earl of Bothwell, and Christian Abernethy, wife of Sir John Wemyss of Strathardle, appeared by their procurator, and presented two royal brieves on their behalf for claiming the lands of Ordiquhill, Inchtomo, Mesly, and Edintor, in the barony of Rothiemay, and others in the shire of Banff. The matter being debated, a jury was formed, and the parties, with the rights and evidents of the two ladies and of the Master of Saltoun, their opponent, being removed, the jury by their chancellor, after long consultation, stated that they were unable and unwilling, without the advice of counsel, to determine the petition or to make a retour. The sheriff-depute then, on the prayer of the ladies' procurator, admonished and commanded the jury, by the king's authority and his own, to deliberate and make retour, as they were sworn, under the usual penalty; but notwithstanding this, they retired and refused to

[1] 5th November 1487. Vol. ii. of this work, p. 271.

deliberate. The procurator for the ladies then protested in due form for their legal remedy.[1]

The matter was carried before the lords of Council by James Abernethy, Lord Saltoun, and his son, Alexander, Master of Saltoun. The intervening proceedings are not on record, but the counsel for the pursuers appears to have objected to the brieves above referred to, on the ground that Sir John Wemyss and the other defenders had refused to exhibit them for verification of seals and indorsations. To this objection Sir John Wemyss was required to oppose proof, but failing to do so, the brieves were declared to have been wrongfully procured, the retour, sasine, and other proceedings being therefore null and void.[2]

Sir John Wemyss of Strathardle succeeded to his father in the estate of Wemyss between February and May 1502. One of his first recorded acts was to take up the question of the claim made in the lifetime of his father by Sir Robert Livingstone of Drumry, as to the coal and salt of Wester Wemyss. It would appear that the decree

[1] Notary's instrument detailing the facts and protest, dated 4th November 1493, in Wemyss Charter-chest.

[2] Acta Dominorum Concilii, pp. 326, 332, 333, 16th and 20th June 1494. Besides the action noted in the text, Sir John Wemyss of Strathardle was concerned in the following:—On 19th February 1489-90 he was adjudged to pay £26 Scots, part of a larger sum due under an obligation to John, prior of St. Andrews [Acta Auditorum, p. 142]. On 12th June and 15th October 1493, Sir John, with his mother, Margaret Livingstone, and his son, Gavin, were complained against by Margaret Boyis, widow of John Wemyss, for troubling her in the possession of the lands of Haugh, leased by her and her late husband. Decision was given against them, and restitution ordered. [*Ibid.* p. 175; Acta Dominorum Concilii, pp. 299, 401.] On 11th July 1494, Sir John, as heir of his late mother, was required to pay certain sums on account of her debts, while he brought a counter-action against the creditor for spoliation. [Acta Dominorum Concilii, p. 373.] On 9th December 1494, Sir John was one of the defenders in an action by Janet Monypenny, spouse of the late David Monypenny of Pitmilly, and George Ramsay, now her spouse, against the members of a jury for serving a brieve of tierce obtained by Margaret Wemyss, spouse of the late Thomas Monypenny of Pitmilly. It was decided that the jury had erred in serving the brieve, because there were two competing conjunct infeftments of widows over the lands already. [Acta Auditorum, p. 194.]

of 1501 had been followed by royal letters directing obedience, with which Sir John Wemyss complied, and in terms of these letters he issued, in May 1504, an intimation to the other party to receive count and reckoning. The parties met in St. Mary's aisle of St. Giles' Church, Edinburgh, where Sir John's procurator in due form intimated to Sir Robert Livingstone that Sir John had fully obeyed the royal letters, and required him to receive the account, and uplift one-third of the profits of the coal and salt obtained within the bounds of Wester Wemyss. A promise was added that no hindrance would be offered, with a declaration that since the date of the decree, three years previously, Sir John had never received a penny of the profit belonging to Sir Robert, but that the whole amount remained in the hands of the servants, either in coals or silver.[1]

A question then arose as to the expenses incurred by Sir John in working the coal in the new coal-heugh at the Wemyss, and the whole matter was referred to a number of the lords of Council as arbiters. They ordered the coal-grieve and other skilled witnesses to appear before them in Edinburgh to render accounts, and state on oath what the expenses were, that the third part might be refunded to Sir John, in terms of the former decree. These persons were also to account to Sir Robert Livingstone for his third of the profits. In regard to another matter in dispute between the parties as to the lands of Powguild, Wester Raith, and Glenniston, the auditors advised that letters and evidents be produced before them. This order was signed by the arbiters and by the parties themselves.[2]

[1] 8th May 1504. Vol. ii. of this work, pp. 121, 122. It would appear from an old inventory of writs at Wemyss that prior to this transaction Sir John Wemyss had been charged, on 2d May 1504, by Livingstone to fulfil the decree of 1502.

[2] Robertson's Records of Parliament, 1804, p. 509. The arbiters' order is dated at Holyrood 1st June 1504, and the skilled witnesses connected with the coal-heugh were summoned for the 5th of June. Their names were Sir Thomas Fleming, coal-grieve, Henry Bowman, William Forret, and Willie Hyrd.

After hearing the witnesses, the arbiters issued an award on the whole questions affecting the coal-heugh, to the effect that all the profits taken up by Sir John Wemyss from the third part of the coal and salt belonging to Sir Robert Livingstone should be remitted to Sir John for the third part of his expenses in working the new coal-heugh, as well as the sum of £19 formerly adjudged to Sir Robert. Sir Robert was directed to enter one or more men of his own, if he pleased, to take up his third of the colliers' pans, and heughs, and have such profit for his third as Sir John for the two-thirds. In regard to the rent due by those who have "crag-leif," or permission to quarry in the lands, Sir Robert shall either have the third of the rent or the profit of the third horse. He shall pay one-third of the wage of the man who keeps the heugh, who has five shillings a week; further expenses to be divided proportionally between the parties. He shall also have power to deal without impediment with his third of the coal and salt at the haven, either by shipping them or storing them. The award was to be kept by both parties under a penalty of three hundred merks.[1]

Little more is recorded of Sir John Wemyss. About the time of the above award and later he disposed of various small portions of his property. He sold the lands of Wardropstoun, in the shire of Kincardine, to William Graham, Earl of Montrose, with the fishings in the North Esk.[2] He also sold the lands of Little Lun to Robert White of Maw.[3] In 1505, Sir John lost in another way the lands of Haugh and Pitconnochie, in Fifeshire, which were appraised by the sheriff of Fife and a jury, and sold to Sir Andrew Kinninmonth of that ilk for 240 merks. This was done in terms of a royal warrant issued

[1] Vol. ii. of this work, pp. 122-124. 7th June 1504.

[2] Charter dated 14th March 1503-4; confirmed 26th March 1504. Registrum Magni Sigilli, vol. ii. No. 2778.

[3] Charter dated 6th, and confirmed 18th February 1504-5. *Ibid.* No. 2822.

at the instance of Kinninmonth, to satisfy a long-standing claim on his part against Sir John Wemyss for the tocher of Agnes Wemyss, his daughter, who was contracted to Kinninmonth in 1482. The marriage contract bound Sir John and his father to pay to Kinninmonth 600 merks by instalments. A dispensation was procured and published,[1] but it is not clear whether the parties were married or not. No reference to Agnes Wemyss as the wife of Kinninmonth has been discovered, and in 1507 Katharine Halkhead was his wife, by whom he had a number of children.[2] If Agnes Wemyss did become his wife she may not long have survived the marriage. In any case, in 1491 an action was raised by Kinninmonth against the lairds of Wemyss, elder and younger, founding on their obligation, the amount in dispute being 396 merks; and of this sum, 240 merks were still owing in 1505, to pay which the lands of Haugh and Petconnochie were judicially sold, regress being reserved to Sir John Wemyss on his paying the sum due.[3]

The last act on record of Sir John Wemyss was the payment, in 1507, to Sir William Scott of Balwearie of two terms' rent for a part of the Wemyss belonging to him, the sum amounting to 29s. 7½d. The amount of land possessed by Scott was one-eighteenth part of West Wemyss, or as it is termed in a later document the "eighteenth rig." He had also another eighteenth of Wemyss, thus making one-ninth of the whole territory of Wemyss.[4] How this one-eighteenth of Wester Wemyss came into Sir William Scott's hands is not clear. Perhaps it was by purchase, or it may have been by inheritance from

[1] Contract, dated 13th April 1482; vol. ii. of this work, pp. 98-101. The dispensation was published at the door of the parish church of Wemyss, on 4th June 1482. It states that Agnes Wemyss and Andrew Kinninmont were related in the fourth and fourth degree of consanguinity, which would imply that he was descended from Sir John Wemyss of Reres, who died in 1428, but the steps have not been traced.

[2] Registrum Magni Sigilli, vol. ii. No. 3215.

[3] Vol. ii. of this work, pp. 124-126; Registrum Magni Sigilli, vol. ii. No. 2885. According to an old inventory of writs at Wemyss a letter of reversion for the redemption of Petconnochie for 260 merks was granted by Andrew Kinninmonth on 19th January 1507-8.

[4] Cf. Registrum Magni Sigilli, vol. iv. No. 200.

one of the three daughters of Christian Glen.[1] Sir William Scott, however, in the following year, sold this eighteenth part of West Wemyss to David Wemyss, the son of Sir John.[2]

Sir John Wemyss died about the beginning of the year 1508, having held possession of the estates only six years. He was twice married, his first wife, to whom, as already stated, he was married in 1468, being Christian Abernethy, daughter of Laurence, Lord Abernethy of Saltoun. She was alive in 1494, and the date of her death has not been ascertained. Sir John married, secondly, Helen Dunbar, of what family is not known. She was, in 1504, the widow of Alexander Melville, the lands of Bogtoun, in the barony of Wemyss, being in that year apprised from Sir John Wemyss in favour of her children by Melville.[3] She survived Sir John Wemyss, and about six months after his decease married Andrew Moncur of that ilk, who died before 2d May 1511, and whom she also survived.[4]

Sir John Wemyss does not appear to have had issue by his second wife, but by his first wife he had four sons and two daughters.

1. David, who succeeded, and of whom a memoir follows.
2. Gavin, who with his father and grandmother was called in the action affecting the lease of the lands of Haugh, in 1493.[5] He also appears as a witness to a charter, dated in 1504, by his father to Robert White of Maw.[6]

[1] Cf. Vol. ii. of this work, pp. 272-274.

[2] Original papers in Wemyss Charter-chest. The receipt under consideration is dated 20th December 1507. [Vol. ii. of this work, p. 126.] The money was not given to Sir William Scott direct, but was paid on his behalf to "Williame Jamesoun alias Payntour." This seems to suggest a Scottish painter of the name of Jameson long before the famous artist of that name, who may have been a descendant. The Jameson in question was no doubt employed as a herald-painter.

[3] Apprising noted in MS. 34, 6, 24, in Advocates' Library, Edinburgh.

[4] Old inventory of writs in Wemyss Charter-chest. Cf. Registrum Magni Sigilli, vol. ii. No. 3571. On 13th June 1508, Helen Dunbar exchanged with David Wemyss of that ilk the lands of Baldrancat in Perthshire for those of Bogtoun, and a month later she married Moncur.

[5] Acta Dominorum Concilii, p. 299.

[6] Registrum Magni Sigilli, vol. ii. No. 2822.

3. Charles, who is named along with his father in a document of 1502, as taking away two horses, the property of his grandfather, from the lands of Elcho.[1]
4. John, who in 1504 was a student at St. Andrews, and in that year received from his father the grant of an annualrent of twenty merks, payable out of the lands of Newton.[2]

1. Agnes, who, as already stated, was in 1482 betrothed, if not married, to Andrew Kinninmonth of that ilk.
2. Margaret, who married John Melville of Raith. They received a charter from Sir John Wemyss in 1503 of the lands of Wester Raith.[3]

[1] Vol. ii. of this work, p. 118.

[2] Old inventory of writs at Wemyss, 29th October 1504. This John Wemyss is said by some to have been the father of Henry Wemyss, bishop of Galloway, but dates forbid the probability, as John Wemyss was only a student in 1504, and Henry Wemyss was official of Galloway before February 1517. The bishop may have been a son of Sir John Wemyss of Strathardle, but no evidence has been found bearing on his parentage. Sir John Wemyss is also said to have been the father of Mr. Thomas Wemyss of Unthank, but no proof of this has been found

[3] Original charter in Melville Charter-chest.

Seal of Sir John Wemyss, 1503.

X.—Sir David Wemyss of Wemyss.

Euphemia Lundy, his first wife.

Janet Gray (of Gray), his second wife.

1508—1513.

David Wemyss, who succeeded his father before May 1508, is first named, in 1493, in a charter to himself and Euphemia Lundy, his spouse, of the lands of Dron and the Hill of Dron in Fifeshire.[1] In 1502 he is referred to as claiming the lands of Tillybreak, and in the same year he was appointed executor to his grandfather Sir John Wemyss.[2] In 1508 David Wemyss was retoured heir to his father in one-half and the half of one-half of the lands of Wester Wemyss, Coifhead, Newton, and the Den-burn west; the manor of Wester Wemyss, the two-thirds of the coal and salt in the lands of Easter Wemyss, and Den-burn east; the lands of Duniface, Little Lun, and mill of Cameron, and the lands of Tillybreak, all in Fifeshire.[3]

Besides these lands, David Wemyss purchased or made up his title to others. On 3d June 1508, he received from the vicars-general of Alexander Stewart, archbishop of St. Andrews, a precept for infefting him as heir of his father in the lands of Methil and Pirny, with mills.[4] David Wemyss also, in October of the same year,

[1] Part of these lands had been redeemed from Janet Cameron or Stewart, widow of Adam Wallace of Crago, for 430 merks; the other portion was resigned by Sir John Wemyss of Strathardle, father of the grantee. [Old inventory at Wemyss; Registrum Magni Sigilli, vol. ii. No. 2151.] It would appear that David Wemyss also rented the teinds of Wester Dron from John Ramsay of Petgorno for nine years. [Robertson's Records of Parliament, p. 499.]

[2] Vol. ii. of this work, pp. 117-120.

[3] *Ibid.* pp. 127, 128.

[4] Precept, dated 3d June 1508, in Wemyss charter-chest.

received from Sir Robert Livingstone of Drumry, baron of the east half of Lochore-shire, a precept for infefting him in the lands of Wester or Little Raith, Glenniston, and Powguild. These lands in the following year were sold by him, under reversion, to Sir William Scott of Balwearie, for the sum of 208 merks, which was afterwards increased to 600 merks, with a lease of the lands for eleven years.[1] On the other hand, he purchased Sir William's portion of West Wemyss amounting to one-eighteenth part, in which he was duly infeft.[2] David Wemyss further redeemed a portion of his lands of Strathardle in Perthshire, which had been mortgaged.[3] An eighteenth part of the barony of Elcho, also in Perthshire, was, in 1511, purchased from Walter Oliphant of Archellie, and, in 1513, David Wemyss acquired from Robert Cuningham of Polmaise, a descendant of Isobel Glen, one-sixth of Wemyss and Elcho.[4] Thus, little by little, the earlier possessions of the ancient barons of Wemyss, which had been scattered under different proprietors, were again being consolidated in the hands of their descendant.

To aid in this consolidation, although the last purchase had not yet been made, Sir David Wemyss, who, about 1510, had been created a knight, resigned his territories into the hands of King James the Fourth, and obtained, in 1511, the formal erection of his whole estates into a barony to be called the BARONY OF WEMYSS. The crown charter enumerates the lands to be comprehended in the barony as—

[1] Precept, dated 7th October 1508, and letters of reversion by Sir William Scott, 12th November 1509, and 27th February 1512-13. *Ibid.*

[2] Charter by Sir William Scott, and precept, dated 17th June 1508; sasine dated 25th August 1508. *Ibid.* Cf. vol. ii. of this work, p. 128.

[3] Resignation by Patrick Hay of Essendy, son of the late David Hay, of the lands of "Bynald," in the barony of Strathardle, to David Wemyss of that ilk, 24th May 1509. [Wemyss charter-chest.]

[4] Oliphant's charter, dated 8th February 1510-11, in Wemyss charter-chest; cf. vol. ii. of this work, pp. 140, 272, 273. Sir David Wemyss entered into various other agreements with Robert Cunningham and Sir William Scott of Balwearie, affecting the sixth part of Wemyss, and also the lands of Wester Raith, but the terms are of no special importance.

the lands of Wemyss-shire,[1] Little Lun, Tillybreak, Cameron-mill, the Haugh, Duniface, Petconnochie, Wester Tarvit, Wester Dron, and Hill-dron, all in the sheriffdom of Fife; the lands of Elcho and Balhepburn, the third part of Strathardle, the half lands of Ardargie, and the lands of Kinnaird, all in Perthshire, with the lands of Balhall in Forfarshire. The castle of Wemyss was assigned as the principal messuage of the new barony, and power was given to erect the Haven-town of Wemyss, the Kirkhill of Kirkmichael, Ballinkillie and Ballinald, into free burghs of barony, with all the usual privileges. The lands were to be held for paying three suits at court, and the usual casualties of marriage, ward, and relief.[2]

A few months after receiving this charter, Sir David Wemyss arranged a marriage between his eldest son, David Wemyss, and Katharine Sinclair, daughter of Henry, Lord Sinclair, pledging himself to settle on them the lands of Dron and Hill-dron, or others, so far as consistent with his own rights and those of his wife, Janet Gray.[3] This contract was followed by an adjustment of the marches between the two properties, those of Wemyss on the west side, and of Lord Sinclair's lands of Dysart on the east. The questions in debate were settled by arbiters who marked out the boundaries by stones, and divided the moor-land equally between the parties, enjoining crosses to be erected as memorials.[4]

A charter to his son in implement of the latter's marriage-contract, and the purchase from Robert Cunningham already referred to, are

[1] This term "Wemyss-shire," as appears from later writs, was applied at the period in question only to Wester Wemyss. Cf. vol. ii. of this work, p. 175.

[2] Charter by King James the Fourth, dated at Edinburgh 28th August 1511. Vol. ii. of this work, pp. 130-135.

[3] Marriage contract, dated 27th January 1511-12. Vol. ii. of this work, pp. 135-138.

[4] Old copy decreet-arbitral, 20th March 1511-12. The arbiters were George Hepburn, dean of Dunkeld, Adam Hepburn of the Crags, Sir Alexander Lauder, provost of Edinburgh, Mr. Walter Leslie, Mr. Henry White, and John Montray, with Sir William Scott of Balwearie as oversman. [Vol. ii. of this work, pp. 139, 140.]

among the latest acts recorded of Sir David Wemyss.[1] He accompanied King James the Fourth on his fatal expedition against England, and was killed at the battle of Flodden on 9th September 1513.[2]

Sir David Wemyss was twice married, first, in 1493, to Euphemia Lundy, probably a daughter of Lundy of that ilk; secondly, before 1512, to Janet Gray, daughter of Andrew, third Lord Gray, and widow of John Charteris of Cuthilgurdy.[3] Janet Gray survived her second husband for twenty-six years, dying in October 1539.[4]

By his first wife Sir David Wemyss had issue three sons and one daughter.

1. David, who succeeded, and of whom a memoir follows.
2. James, who received from his brother David the lands of Newton and Cameron-mill by a charter dated 29th August 1522. James joined in a discharge, dated 15th February 1534-5, to his brother David of all sums due to him from his father's estate.[5]
3. Robert, who held the lands of Easter Lathrisk in Fife from his brother David, who purchased them in 1537.[6] Robert was also designated "in Caskieberran." He died before 24th October 1542, and was succeeded by his eldest son David,[7] who was under age at his father's decease, and received

[1] Vol. ii. of this work, pp. 272, 273; Registrum Magni Sigilli, vol. ii. No. 3766. Sir David Wemyss also redeemed the lands of Haugh from Kinninmonth, and assigned them to Robert Gourlay, burgess of Dysart, and Janet Wemyss, his wife. [*Ibid.* No. 3835.]

[2] Vol. ii. of this work, p. 149.

[3] Janet Gray was the wife of John Charteris in 1508. Registrum Magni Sigilli, vol. ii. No. 3256. In September 1529 Janet Gray, lady of Wester Wemyss, with consent of her son, Patrick Charteris of Cuthilgurdy, resigned Hilltoun of Gask in the hands and in favour of Laurence, Lord Oliphant, granting also acknowledgment of receipt of the redemption-money, 500 merks. [The Oliphants in Scotland, by Joseph Anderson, pp. 59-62.]

[4] Vol. ii. of this work, p. 157.

[5] Old inventories of writs at Wemyss.

[6] Registrum Magni Sigilli, vol. iii. No. 1736.

[7] *Ibid.* No. 2824.

a dispensation on 21st August 1544 for his service as heir to his father.[1] David Wemyss, who is also designed of Caskieberran, was killed at the battle of Pinkie in September 1547, without issue, and was succeeded in the lands of Easter Lathrisk and Moncoutemire by his brother Robert, who was retoured heir to him in 1548.[2] Caskieberran seems to have passed from the possession of this branch of the family in the time of David Wemyss. Robert Wemyss the younger had two daughters, co-heiresses, one of whom, Janet, married —— Melville, as her son, David Melville, was in 1602 retoured heir to her in one-half of the lands belonging to Robert Wemyss.[3] Robert Wemyss the elder had also a natural son, John, who was legitimated in 1548 by letters of legitimation under the great seal.

Sir David Wemyss had also one daughter, Elizabeth Wemyss, who, in 1535, joined with her brother James in the discharge to their brother David. She died, unmarried, before 26th October 1544, when her nephew, John Wemyss of that ilk, was retoured heir to her.[4]

[1] Old inventory at Wemyss.
[2] Retours for Fifeshire, No. 20.
[3] *Ibid.* No. 116.
[4] Vol. ii. of this work, p. 167.

XI.—David Wemyss of Wemyss.
Katharine Sinclair (Sinclair), his first wife.
Mariota Towers (Inverleith), his second wife.

1513—1544.

The first reference to this laird of Wemyss is in his marriage contract with Katharine Sinclair in 1512, already noticed. He succeeded to his father in the following year, and completed his title to Methil and other lands in the year 1514.[1] After his accession to his estates David Wemyss bound himself, according to a prevailing practice of the time among the lesser barons, by a bond of manrent or service, choosing for his patron the archbishop of Glasgow. At a later period the lairds of Wemyss adhered to the archbishops of St. Andrews, of whom they held Methil, but that see was then vacant, and James Betoun, then archbishop of Glasgow, was not only the son of a Fife-shire laird, but also chancellor of Scotland. This may account for the fact that the bond of maintenance, given to David Wemyss in return, did not, as was usual, reserve the allegiance to the Crown.[2]

The chancellor's promise of maintenance and defence was soon put to the test, as shortly after it was granted, David Wemyss paid to the royal treasury £160, 13s. 4d. as part of a composition for the slaughter of a person named William Moffat. Who he was does not appear, but a remission granted a year later to the laird of Wemyss, and thirty-four accomplices, refers to the deed as premeditated, and requires satisfaction to be made to the parents and kinsmen of the victim.[3]

[1] Instrument of sasine in Methil, 3d March 1513-4, in Wemyss Charter-chest; sasine, 3d June 1514, in a sixth part of Wemyss, which had been acquired after the lands were erected into a barony. Vol. ii. of this work, pp. 273, 274.

[2] Vol. ii. of this work, pp. 141, 142. 16th July 1515.

[3] Vol. ii. of this work, pp. 143, 144.

A few years later David Wemyss engaged in a mutual bond of defence with a number of the neighbouring lairds of Fife. Probably they were led to this step by the unsettled nature of the regency during the minority of King James the Fifth. The bond is dated at Scone, 13th February 1520-1, and is as follows:—

At Scone, the xiii day of Februar the yeir of God a thousand v^{c} and xx^{ti} yeris, it is apoyntit and finallie concordit amangis thir personis wnder writin, that is to say, honorabill men, Dauid Wemis of that ilk, James Lundy of Balgony, William Forbes of Reres, knicht, Jhonn Malling of Raicht, knycht, Jhonn Mowtra of Markingis, Dauid Myrtoun of Cammo, Master Thomas Meldrum of Segie, Robert Dure of that ilk, Andrew Settoun of Perbroucht, Jhonn of Bettoun of Creicht, Jhonn of Wemis of Lathokkir, Jhonn Lummisdan of Ardrie, Jhonn Traill of Blabo, Jhonn Hakkat of Petfuran, Robert Aitoun in Dinmwir, Robert Arnot of Pinkertoun, and sa mony otheris freindis at will subscrif this writ, in maner and effect as eftir folowis: that is to say, the saidis personis, and ilk ane of thaim, sall tak afald and trew part with otheris in all just and honest querellis, and specialie in defence of thair personis and heritage, aganis all other persoun within this realme; excep thair alliegience to the kingis grace, our lord gouernour, and our masteris and thair ourlordis: and gif thair happynnis or beis at this tyme or to cum deference or wariance amangis the personis abufin writin, thair kin, freindis, or seruandis, it sall be referrit to the saidis personis, or ony twa or thre of thaim chosin be otheris for the reformacioun of the sam, sa sall nocht persew other befor na jugis quhill thai be requirit to the sam: And to the obserning and keping of the sam, the saidis personis ar oblist be the faicht and treucht of thair bodyis, the halie wangell tuichit, and for the mair securite has subscriuit this sam witht thair handis, day and place forsaid.

Wellyam Forbes off Reres.	Dauid Wemys of that ilk.
Androw Setoun of Perbroht.	James Lundy of Balgony.
Thomas Meldrum of Segye.	Jhone Maluill of ye Ratht, k^{t}.
Jhon Hakat off Petffuran.	Robert Dure off yat ilk.
Dauid Myrton of that ilk.	Jhon Mowtray off Markynch, the legat excepis.
Jhon Betoun of Crecht.	Jhon Lumisdan of Ardre.
Jhone Wemys of Lathokyr.	Jhon Traile of Blabow, w^{t} my hand.
Robert Aytoun.	Master Willam Lundy.
Jhon Setoun of Bawbyrne.	James Londe.

The notices of David Wemyss on record, like those relating to his

predecessors, chiefly refer to his lands, and not to affairs of public interest. Yet the earliest charter known to be granted by him is of some importance, as it concerns the burgh of West Wemyss. The crown charter of 1511, erecting the lands of Wemyss into a barony, gave power to constitute the haven-town of Wemyss as a burgh, under the lords of the manor. In terms of that charter, David Wemyss, in April 1515, as baron of the barony of Wemyss-shire, granted to the burgesses of his burgh the haven-town of Wemyss, bounded as described, with the port and anchorage there, to be held in free burgage, with all privileges common to burghs of barony, such as choosing bailies, holding markets and fairs, of which there were to be two yearly, the first on 2d July, and the second on 28th October. Among other dues the burgesses were to pay £20 Scots yearly to the laird and his heirs, who reserved to themselves free ish and entry to the port with coals and salt. The burgesses were also obliged to give three suits at three head courts to be held yearly within the burgh. For every "bloodwit" the laird exacted fifteen shillings, and for each fine eight shillings Scots.[1]

In the year following the above charter, David Wemyss redeemed some lands in his barony of Strathardle from Robert Ferguson of Downy, and in 1518 he received from William Halden a lease of part of the lands of Blair, Michelston and Strathore adjoining Wester Wemyss.[2] The question of competing rights over the coal-pits of Wemyss again came up in 1520, this time, however, in an amicable form. Robert Livingstone of Drumry, the last male heir of the Livingstones of Drumry

[1] Old copy charter, 29th April 1515, Wemyss Charter-chest.

[2] Old inventories at Wemyss. The lands redeemed from Ferguson were the Innerchroskies, which had been mortgaged by Sir John Wemyss of Strathardle in 1497 for 200 merks. John Ferguson of Downy acquired, in 1512, the portion of Strathardle which belonged to Dorothie Tulloch or Wood, grand-daughter of Christian Glen. [Registrum Magni Sigilli, vol. ii. No. 3682.] Robert Ferguson, younger of Downy, married, in 1512, Janet Wemyss, perhaps a daughter of Sir David Wemyss, receiving to himself and spouse a charter of Downy from his father, dated at Wemyss 14th August 1521. [*Ibid.* No. 3769.]

and East Wemyss, died some time before 1516, leaving a widow, Janet Betoun, and a daughter, Margaret Livingstone, his heiress, who afterwards married Sir James Hamilton of Finnart. Janet Betoun married, in 1516, James Hamilton, first Earl of Arran, retaining her conjunct fee rights over East Wemyss, and she and the Earl, in 1520, granted to David Wemyss a lease of their one-third of the coal, coal-heughs, and salt of the Wester Wemyss. The lease was to endure for seven years, at a yearly rent of £50 Scots, but a clause was added to the end of the writ restricting its operation to three years only.[1]

During the next few years David Wemyss was engaged in a series of transactions and debates with Sir William Scott of Balwearie and others. The first of these was the redemption of the lands of Wester Raith, Glenniston, and Powguild, which had been sold under reversion by the late Sir David Wemyss. The place appointed for repayment of the mortgage was St. Katharine's altar in the parish church of Kirkcaldy, but for some reason, the money[2] was consigned in the hands of the provost and canons of the College of St. Salvator at St. Andrews, and a few months later David Wemyss completed his title to the lands.[3]

Some time afterwards David Wemyss accused Sir William Scott and his two sons of wrongfully taking possession of his fishing on Loch Gelly, and destroying the fisherman's house belonging to him, thus inflicting on him a loss of more than £40 Scots. Wemyss alleged

[1] Vol. ii. of this work, pp. 144-146, 7th September 1520.

[2] The list of the coins that went to make up the redemption-money is peculiar, as showing what money then passed current in Scotland; 118½ unicorns in gold, 82 French crowns of the sun, of weight, 66 French crowns, light, 19 "goldyn guidleinnis," 9 French crowns of the king, of weight, 26 gold ducats, of weight, 3 Leos, light, and 1 of weight, 3½ golden angels, 3½ golden "riders" (equites), a half Henry noble, of weight, 2 ducats, light, and a half Scottish crown of St. Andrew in gold. These coins, with £107, 15s. of Scots money in gold and silver, made up the 600 merks. [Instrument as to consignation, 16th May 1521. Vol. ii. of this work, pp. 146-148.]

[3] Precept of clare constat in favour of David Wemyss, by Margaret Livingstone, lady of Drumry and East Wemyss, superior of the lands, 12th March 1521-2, in Wemyss Charter-chest.

that the house and fishing were held heritably by his late father, Sir David, who, when killed at Flodden, was in full possession, and he demanded repayment of the damage and restoration of the property.[1] The dispute went on for some time. Three years later, David Wemyss and the laird of Balgonie had to obtain letters of lawburrows for their protection from Sir William Scott and his two sons, Sir William Scott of Invertiel, his heir, and Thomas Scott, afterwards of Petgorno. The two former were bound under a penalty of £2000 Scots each, while Thomas Scott was fined £500, and of their accomplices, each landed gentleman was to pay £200, each unlanded gentleman 200 merks, and each yeoman 100 merks, if they in any way molested the laird of Wemyss and James Lundy.[2]

About the same time a dispute arose between the laird and Sir John Dingwall, provost of Trinity College Church, Edinburgh, and vicar of the parish church of Wemyss, respecting the teinds belonging to the provost as vicar. Besides the laird, various other parishioners, fishermen of Easter Wemyss and Buckhaven, were parties in the action. All the steps of the proceedings are not recorded, but at one stage the vicar received a severe check from the ecclesiastical judges in the case. He had interposed in the action an appeal to the court of Rome, a step of which the Scottish kings and the patriotic clergy were extremely jealous, many Acts of Parliament being directed against the practice. For this offence, or contumacy, as the judges termed it, they gave sentence in favour of David Wemyss and his

[1] Vol. ii. of this work, pp. 148-151, 2d and 7th January 1521-2. It would appear from an old inventory at Wemyss that witnesses were examined in the action on 11th April 1522, but the result is not stated.

[2] Vol. ii. of this work, pp. 151-153, 9th August 1525. An old inventory at Wemyss records, on 16th August 1523, a letter of assurance by Patrick, Lord Lindsay, John, Master of Lindsay, John Lindsay, grandson of Lord Lindsay, and Sir William Scott of Balwearie, to the Earl of Rothes, David Wemyss of that ilk, and the lairds of Lundy and Raith. Perhaps the letter (vol. iii. of this work, p. 67) from Sir William Scott of Balwearie to David Wemyss, expressive of friendship, belongs to this period.

co-litigants, absolving them from the conclusions of the appeal, which they declared the vicar had wickedly and unjustly interposed. The vicar was further condemned to pay the costs of the plea, amounting, as modified, to £99, 8s. 8d. Scots, one half within two months, and the other half within four months, under pain of excommunication. This sentence was announced during high mass in the church of Wemyss, in presence of the parishioners, and in the following August the vicar was excommunicated, doubtless for disobedience.[1]

The dispute was eventually settled by arbitration, four of the arbiters being ecclesiastics, with Henry Wemyss, bishop of Galloway, at their head, the fifth being Mr. Adam Otterburn, the king's advocate. The parties having met, the first act of the arbiters was to order them to abide in amity together, to shake hands, to forgive each to the other the rancour of their hearts, and to pass "in oxtars," or arm-in-arm together, which was done in presence of the court. This ceremony over, the arbiters proceeded to enact that Sir John Dingwall, the vicar, should receive no hindrance in collecting and leading to his "kirklands of Wemyss" the teind sheaves of Wester Wemyss for the year 1528. The value of the teinds for 1528 was to be noted, and to form a standard for those of 1526, for which the vicar had obtained decree, being the sum objected to by David Wemyss as exorbitant. The award then referred to the levying the teind-coals, salt, and fish, due to the vicar, who, with his farmers and tenants were to enjoy freedom for their cattle within the laird's bounds as formerly. The laird was acquitted of any share in the spoliation of the teinds for the years 1526, 1527, and 1528, but as the country folks on his lands had appropriated the vicar's dues, from them David Wemyss was to enforce

[1] Sentence, dated at St. Andrews 19th October 1527. Vol. ii. of this work, pp. 274-276. Warning given 27th October, and excommunication pronounced on 5th August, year not stated, but probably 1528, as on 14th August 1528 a declarator was issued against Dingwall. [Old inventory at Wemyss.]

restitution. The arbiters advised the vicar to yield up the offerings due to him from the Lady Chapel of Wemyss, because the parish church of Wemyss was being built or repaired by Sir Patrick Jackson, the chaplain there. Among other things it was ordained that all appeals to Rome should cease, that the parties should pay their own taxed expenses, and that the vicar should give teinding of corn, etc., to the laird, according to the common law, that the stock of corn might not perish or be lost in default of teinding.[1]

A few months later, probably as one result of this decision, the vicar formally craved permission from David Wemyss for the tenants of the Kirklands of East Wemyss to take turf and heather from the estate of Wemyss for building their houses and other necessaries. This request the laird granted, for that time only, with the proviso that the grant should not prejudice him or his heirs in future.[2] A similar request was made in the same year by David Abercromby of Cameron. The latter came to the laird at the chapel of Wemyss, and begged of him that for the sake of kinship and good neighbourhood, he would permit him to pasture his cattle sometimes on the moor west of Cameron, called Wemyss moor, and to cast and lead fuel and turf therefrom. David Wemyss acceded to the request in a friendly spirit, guarding his rights by a protest that no title to the pasturage should be founded on this grant, which was during his good pleasure only. He further required an acknowledgment from Abercromby that neither he nor any other possessor of Cameron had any right to the privileges desired, save by the goodwill of the laird of Wemyss.[3] Abercromby exercised the privilege for some

[1] Vol. ii. of this work, pp. 276-278. Edinburgh, 6th February 1528-9. Sir Patrick Jackson, chaplain of our Lady Chapel of West Wemyss, Sir David Moutray, vicar of Carnbee, and apparently also Sir James Hamilton of Finnart, for East Wemyss, were co-defenders with the laird of Wemyss and his tenants. [*Ibid.*, and old inventory at Wemyss.]

[2] Instrument, dated at Chapel of Wemyss 5th October 1529, noted in old inventory at Wemyss.

[3] 18th June 1529. Vol. ii. of this work, pp. 278, 279.

years, but in 1536 he again came to David Wemyss and complained that one of the latter's tenants had interfered with his casting peat on the moor, and had taken a spade from his servants while so engaged. He then "exhortit and prayit" the laird of Wemyss to continue to him the privilege of pasturage and casting peats. This second request was likewise granted for friendship's sake, but also because it was supported by James Lundy of Balgonie, then at Wemyss, the laird taking the same precautions as before. Notwithstanding these, however, Abercromby, at a later date, abused the tolerance given to him, and the matter became a subject of dispute in the next generation.[1] David Wemyss also, in 1533, gave a similar tolerance to John Gaw of the Maw, which likewise gave rise to disputes at a later period.[2]

David Wemyss married in March 1526, as his second wife, Mariota, daughter of Sir John Towers of Inverleith, by whom he had a son. This induced him in 1530 to resign his estates, and King James the Fifth regranted the barony of Wemyss to him and the heirs-male of his body.[3] In the same year a change of ownership of the neighbouring estate of East Wemyss took place. Margaret Livingstone, with consent of her husband, Sir James Hamilton of Finnart, exchanged, with James Colville of Ochiltree, the lands of East Wemyss in Fife for the territory of Ochiltree in Ayrshire.[4] The family of Colville thus took the place of the Livingstones as lairds of Easter Wemyss, and also acquired their rights over Wester Wemyss.

About a year later, Margaret Livingstone assigned irrevocably to

[1] Instrument narrating the second application, dated at the hall of the Wemyss, 14th June 1536, with decree of Lords of Council narrating the whole circumstances, 24th July 1550, both in the Wemyss Charter-chest.

[2] Instrument of tolerance, 17th May 1533.

[3] Vol. ii. of this work, pp. 280, 281. 24th June 1530. On 19th May, the same year, the laird made a compromise with Hew Moncrieff as to the marches of Wester Dron. [Old inventory at Wemyss.]

[4] Charters, dated 13th December 1530, Registrum Magni Sigilli, vol. iii. Nos. 978, 980.

Colville her right to the profits of the third part of the whole moor of Wemyss-shire. These included pasturage, and other usual privileges, the third part of the corn grown on the land won from the moor since the first division of the corn land there, and the third of the profits from the havens within the bounds of West Wemyss.[1] From James Colville, the new proprietor of East Wemyss, David Wemyss in 1534 received a three years' lease of his third of the coal-heugh of West Wemyss, at a yearly rental of £50 Scots, which had been the sum formerly paid to Margaret Livingstone. An additional sum of £10 yearly was to be paid if twelve salt-pans were kept going, as long as they continued, while Colville was to receive his fire-coals free, he paying for the hewing.[2] Some years later the payment of this rent came to an end, as David Wemyss purchased all Colville's rights to these casualties and privileges over West Wemyss, which were comprehended in the agreement of 1428 between David Wemyss of Methil and Robert Livingstone of Drumry, as narrated in a previous memoir. David Wemyss also, at the same time, acquired the superiority of Wester Raith, Powguild, and Glenniston, which his family had held as tenants of the Livingstones, although they formed part of the territory held by the lairds of Wemyss in 1296.[3]

David Wemyss appears to have taken little part in public affairs. There is some probability that he took part in one of the raids made by King James the Fifth and Archibald, Earl of Angus, on the Border thieves in 1527,—the first attack on the Armstrongs,—when a force of six thousand men was mustered in support of the royal authority. The laird's neighbour, Sir John Melville of Raith, was

[1] Vol. ii. of this work, pp. 154, 155. Assignation, dated 3d January 1531-2.

[2] *Ibid.* pp. 155, 156. Lease, 27th July 1534. The rent paid to Margaret Livingstone for the two years, 1523 and 1524, was £100 Scots, or £50 a year. Receipt by her, 4th November 1525. *Ibid.* p. 153.

[3] Charter of alienation by Sir James Colville to David Wemyss, dated at Culross, 26th March 1540. Vol. ii. of this work, p. 283; Renunciation of same date, in Wemyss Charter-chest.

present at the raid, and in recording his own return from the king's service on the Borders, mentions as his companions the laird of Wemyss and Lundy of Balgonie. They had quietly gone, "as gud Cristine men suld do," to hear mass in Kinghorn Church, when an attack was made upon the party by the Moutrays of Seafield.[1] Two years later, in 1529, the laird was exempted from a like service by a letter permitting him to stay at home, provided he sent his brother and household to join the king, who was meditating another chastisement of the Border clans.[2] Another royal licence was given a year or two later for a pilgrimage to the shrine of St. John of Amiens in France.[3] Other royal letters addressed to the laird, in succeeding years, included a summons in 1536 to accompany the king from Stirling to the Borders, and in 1538, an exemption from attendance on any ordinary courts, as he was then in waiting on the royal person.[4] On this occasion, the king was either actually celebrating his marriage with Mary of Guise at St. Andrews, or on the eve of setting out with his bride on his progress through Fife towards the capital. In the previous year David Wemyss had received a summons from the council to greet King James and his first wife, Magdalen of France, and take part in the marriage rejoicings—rejoicings which were, unhappily, soon turned to mourning by the decline and speedy death of the young queen.[5]

David Wemyss, in 1534, was engaged in arranging the marriage of his eldest son and heir, John Wemyss, to Margaret Otterburn, eldest daughter of Mr. Adam Otterburn, the king's advocate, and providing a suitable settlement for them.[6] During the succeeding years of his life he had occasional trouble about the marches of his lands, particularly those of Elcho and Kinnaird. The bishop of Dun-

[1] Pleadings by Sir John Melville *v.* Moutray of Seafield, 1533-4, in Melville Charter-chest.

[2] Vol. iii. of this work, p. 1.

[3] *Ibid.* p. 2. 9th January 1530-1.

[4] Vol. iii. of this work, pp. 4, 5. 21st May 1536, and 26th June 1538.

[5] *Ibid.* pp. 4, 5. 8th February 1537.

[6] Vol. ii. of this work, p. 281.

keld's men were the aggressors on Kinnaird, and David Wemyss was compelled to take proceedings against them for wrongfully tilling common pasture.[1] At a later date a similar action was raised against Alexander Dundas of Fingask for encroachments on the lands of Elcho.[2] Another of the laird's transactions at this time in regard to his lands indicates that he was a benefactor to the church. Sir Patrick Jackson, chaplain of St. Mary's chapel of Wester Wemyss, has already been referred to as engaged in building or restoring the parish church, but his own chapel was not unprovided for. In February 1536, for some reason not stated, the laird publicly acknowledged to the chaplain, who had just expended more than £1000 on the chapel and manse, that he and his predecessors had bestowed on the chapel various portions of the following lands:—Newbiggin Greens, Dounside, Salterside, Cummyn's quarter, Eastbank, Westbank, and others, the chapel, manse, etc., with the chaplain's pan-coals free. The chapel had also a salt-pan attached to it, with coals, and a dovecot.[3]

Among the latest acts of David Wemyss were his providing, in 1542, David Wemyss, his son by Mariota Towers, in the lands of Strathardle and others,[4] while about the same time he resigned his lands of Methil and others for the purpose of securing his wife in the conjunct fee of these lands. The resignation was made in the hands of the superior, Cardinal Beaton, who regranted the lands to David Wemyss and his wife, Mariota Towers, in conjunct fee, and to his heirs whomsoever.[5] A year or two later, about May 1544, David Wemyss died without making a will, and was succeeded by his eldest son John, who was also appointed his father's executor-dative.[6]

[1] Vol. ii. of this work, p. 195. Summons dated 14th August 1538.

[2] *Ibid.* pp. 157, 158. 5th August 1540.

[3] Notarial instrument narrating the above dated 15th February 1535-6, noted in MS. 34, 6, 24, in Advocates' Library, Edinburgh.

[4] Vol. ii. of this work, p. 283.

[5] *Ibid.* pp. 158-161, 284. The resignation was made in presence of the cardinal in the house of Emined (*sic*) Gourlay, burgess of Kinghorn and the charter granted there. [Original resignation in Wemyss Charter-chest.]

[6] Vol. ii. of this work, pp. 161-166, 176.

David Wemyss was twice married, first, to Katharine Sinclair, daughter of Henry, Lord Sinclair, by whom he had apparently two sons. He married, secondly, Mariota Towers, daughter of Sir John Towers of Inverleith, their marriage contract being dated 7th March 1526. By her he also had issue. She survived her husband, and married, secondly, Mr. Bernard Hamilton of Bogwood, by whom she had at least one son, James Hamilton. Under a contract with Sir John Wemyss, her step-son, she received yearly 100 merks. In 1582 her son, David Wemyss of Dron, acted as her surety that she would pay the tax for the bridge of Perth, to which she objected, because she was oppressively taxed by the collectors of the revenue. She resided at Methil, and was still alive on 28th August 1588, being then described as "Auld Lady Wemyss."[1]

David Wemyss had three sons and three daughters. The sons were—

1. John Wemyss, who succeeded, and of whom a memoir follows.
2. James Wemyss of Caskieberran, in the parish of Kinglassie and county of Fife, ancestor of Sir James Wemyss of Burntisland, who married Margaret, Countess of Wemyss, and was created Lord Burntisland for life. Through that marriage he was the ancestor of the present family of Wemyss of Wemyss.
3. David, son by his second wife, Mariota Towers. In 1538 Mariota Towers resigned, in favour of her son David, the lands of Dron and Hill-dron in Fifeshire.[2] David Wemyss then of Dron, at a later date, received from his father the lands of Strathardle and others in Perthshire, with the lands of Little Lun in Fifeshire. He also had an interest in the lands of Elcho, Balhepburn, and Craigton. All these he disposed of in 1552 to his eldest brother John, receiving an infeftment in the lands of Dron, and 3000 merks of redemp-

[1] Original receipts for annuity at Wemyss; Register of Privy Council, vol. iii. pp. 438, 447, 448; vol. iv. p. 317.

[2] Original resignation at Wemyss.

tion money for Strathardle. He was under age at his father's death, and his brother John was retoured tutor to him in 1544.[1] He bought, in 1553, from John Pitcairn of Drongie, the lands of Blair of Forth and others in the barony of Cuthilgurdy, Perthshire, and was infeft therein with his wife Margaret Cunningham.[2] He entered the army, and was known as Captain David Wemyss of Dron. He took part in the quarrel between his brother, Sir John, and the Bruces, and made a violent assault on the laird of Earlshall with a "quhynger," besides aiding in the attack on the Bruces in Edinburgh. In 1577 he went to France for a year, and on his return obtained to himself and Janet Betoun, apparently his second wife, a charter of part of Freuchy, in Fifeshire.[3] Captain David Wemyss died at Dysart in February 1594,[4] leaving a son, James, who succeeded him, another son, John, and other children whose names have not been ascertained. Dron afterwards reverted to the main line of the family.[5]

The daughters of David Wemyss were—

1. Margaret, who married James Wemyss, brother of the laird of Pittencrieff.
2. Grisel, who married Andrew Kinninmont, and was left a widow before October 1545, when she protested against the laird of Balmuto, for intruding on her coal-heugh of Drumdonald, in the lands of Powguild. These lands belonged to David Wemyss, and were probably given as a portion to his daughter.[6] She married, secondly, David Ramsay of Brackmonth.[7]

[1] Vol. ii. of this work, pp. 168, 283, 287-289.

[2] Registrum Magni Sigilli, vol. iii. No. 794.

[3] Register of Privy Council, vol. ii. p. 621; Registrum Magni Sigilli, vol. iii. No. 2796.

[4] Commissariot of Edinburgh, Testaments, vol. xxvi. 1st June 1594.

[5] David Wemyss had also two natural sons, James and Patrick, legitimated 3d April 1548. Original legitimation in Wemyss Charter-chest.

[6] Vol. ii. of this work, p. 170.

[7] Cf. *ibid.* p. 200.

3. Mariota, apparently a daughter of David Wemyss by his second wife. She married Robert Fairlie of Braid, and had a son, Alexander Fairlie, who married Elspeth Lundie of Lundie. In 1573, by advice of her brother, David Wemyss of Dron, Mariota Wemyss or Fairlie resigned her rights of terce over the lands of Braid, receiving as an equivalent the lands of Plewlands, in the barony of Braid, and county of Edinburgh.[1]

[1] Registrum Magni Sigilli, vol. ii. Nos. 2203, 2204.

XII.—Sir John Wemyss of that ilk.

Margaret Otterburn (Redhall), his first wife.

Janet Trail (Blebo), his second wife.

1544—1572.

Sir John Wemyss of that ilk, the eldest son of David Wemyss and Katherine, daughter of Henry, Lord Sinclair, was probably born in the year 1513. During his father's lifetime he married Margaret, eldest daughter of Sir Adam Otterburn of Redhall, a statesman of some note in the reign of King James the Fifth, and provost of the city of Edinburgh in the year 1534, when Sir David Wemyss and Sir Adam Otterburn arranged the marriage in order to cement more closely the love and friendship which had existed between their families. John Wemyss and Margaret Otterburn were married before 20th October of the same year. On that day the laird of Wemyss, who had agreed to give to his son and daughter-in-law "such honest conjunct feftment as was given to his father or grandfather," made resignation in their favour for this purpose, of his lands of Tillybreak in Fifeshire, and Balhall in Forfarshire, and the grantees are mentioned as spouses in the document. They received a crown charter of these lands in the following month of April.[1]

On the death of his father in May 1544, John Wemyss became laird of Wemyss, and was appointed by Cardinal Beaton executor-dative to his father, who appears to have died intestate.[2] He was duly served heir to him in his several lands,[3] and he was also served heir

[1] Vol. ii. of this work, p. 281.

[2] *Ibid.* pp. 161-166.

[3] John Wemyss was retoured heir-general to his father on 19th February 1544-5. [*Ibid.* p. 169.] He obtained a brieve of inquest for further serving himself heir in the particular lands,

to his paternal aunt, Elizabeth Wemyss, whose executor he became.[1] John Wemyss was likewise served administrator-in-law to his brother consanguinean, David Wemyss, who was still under age at the death of their father, but possessed of the lands of Strathardle and Elcho, to which the late laird had provided him.[2] About the same time, the laird obtained from the Governor Arran gifts of the non-entry of all his lands, and also of the lands of Strathardle, which, it is mentioned in the deed-of-gift, had fallen to the Crown on the death of his uncle Robert Wemyss in 1542.[3] In 1550, however, a gift of the non-entry of the barony of Wemyss was made by Queen Mary to Walter Lundie of that ilk, but he assigned it to the laird in 1557.[4]

When John Wemyss became laird of that ilk, the country was already involved in the troubles which lasted during the minority of Queen Mary. He had, doubtless, been previously engaged in military service, though no record of the fact remains. In the month of May 1544 he was with the Earl of Glencairn at Glasgow, in arms against the Governor Arran, and shared his leader's defeat.[5] Matters were composed shortly afterwards by a general remission granted to Glencairn and his adherents by Parliament, previous to which, however,

and presented it personally and by his prolocutor, Mr. Alexander Kinnimonth, in the court-house of Cupar, before George, Earl of Rothes, sheriff of Fife, and Alexander Nairn of Sandfurd, his depute, on 15th May 1545, the diet having been duly proclaimed at the market-cross. But the jury of twenty-one barons which had been summoned to serve on the inquest did not compear, and both the laird and the sheriff protested for their own exoneration and remedy of law against the jury. [Extract from Sheriff-Court Books of Fife in Wemyss Charter-chest.] The laird was served heir in Wester Wemyss and his other lands on 2d March 1545-6. [Vol. ii. of this work, pp. 175, 176.] He was infeft in these lands on 7th May 1546, and in his lands in Lochoreshire on 16th April 1547. [Instruments of sasine in Wemyss Charter-chest.]

[1] Vol. ii. of this work, pp. 167, 168; old inventories in Wemyss Charter-chest.

[2] *Ibid.* pp. 168, 169. John Wemyes is stated in the retour to be over twenty-five years of age.

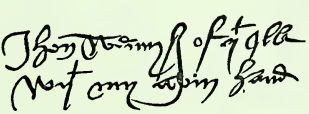
[3] Gifts, dated 3d June 1644, in Wemyss Charter-chest.

[4] Gift, dated 22d April 1550, and assignation 28th September 1557; old inventories in Wemyss Charter-chest.

[5] Vol. ii. of this work, p. 180.

the laird must have been reconciled to Arran, as he received, not only the gift of non-entry just mentioned in June of the same year, but also in the following August a licence from the governor to hold courts of justice on his lands in time of harvest.[1] He also gave the following bond of manrent to the regent:—

Be it kend till all men be thir presentis, me, Ihone of Wemys of that ilk, to be bundyn and oblyst, and be the tenour herof bindis and oblysis me be the fayth and trewyth in my bodye to be leill and trew serwand to my lord gouernour, and to mantein and furthtbeir his gracis autorite indurand all the tyme of our souerane ladeis minorite contrar all man; wytht my kyne, freindis, and serwandis, at my wter power, for greit plesouris and profyt doin and giffyne to me be my said lord gouernour, and in especiall for the gyft of the releyf of my landis and non-entres of ane part tharof. In witnes herof I haiff selit and subscriwyt this my band and obligatione at Edinbrwcht the day of the yeir of God, i^m v^c xliiij yeiris befor thyr witnes, maistir James Foster, George Foster, wytht oderis diuerss.[2]



Whether the laird of Wemyss was really in sympathy with the English party in the state at the time, then represented chiefly by the Douglases and Glencairn, or whether he was an adherent of constituted authority, and had under the governor himself originally espoused the principles of the English faction, but had failed in proving so versatile as Arran in changing his opinions, and required the terrors of forfeiture to convince him of the propriety of doing so, it would be difficult to say. At any rate, from the date of the battle of Glasgow Moor, he never appears on the side of the English party or in sympathy with their aspirations. His conduct in this respect may also have arisen from the fact that the chief adviser the governor

[1] Vol. ii. of this work, p. 166.

[2] Original in Charter-chest of the Duke of Hamilton.

had, after reversing his early policy, was Cardinal David Beaton, archbishop of St. Andrews and primate of Scotland, who was the laird's feudal superior in certain lands. Partly for this reason, partly also from political considerations, Wemyss granted to the cardinal his bond of manrent, and received in return from that prelate a bond of maintenance. Thus, with his kin, friends, and servants, the laird became bound to defend the person, the honour, and the possessions of the cardinal in all causes, receiving in return protection and counsel in all his lawful affairs.[1]

In November 1544 two rival parliaments met in Scotland, one convened by the queen-regent at Stirling, and the other at Edinburgh by the Governor Arran. The laird of Wemyss was present at and took part in the work of the latter.[2] He was also frequently summoned to military service with the governor. In October 1545, he was required to appear at Dumfries within a few days, "with ane gude and substantious company" of his "kin, freindis and seruandis," for the recovery of the castle of Carlaverock from the English, "and to do the office of ane trew noble barroun of this realme."[3] Exactly a year later he was again summoned by the governor to attend at St. Andrews with all his friends and people he could raise, and with all the small artillery he had, and powder and carriages for the same, to resist an intended attempt by the English to relieve the castle of St. Andrews, which was then being held out against Arran by the slayers of Cardinal Beaton.[4] A third requisition, in July 1547, hurried the laird and his followers to the Borders to repel an English invasion; but when he reached the camp at Peebles, he obtained a dispensation allowing a number of his retainers to remain at Wemyss for the defence of the castle and homestead in case of their being attacked.[5]

[1] Vol. ii. of this work, pp. 170-172.

[2] Acts of the Parliaments of Scotland, vol. ii. p. 446.

[3] Vol. iii. of this work, p. 6.

[4] *Ibid.* p. 7.

[5] *Ibid.* pp. 7, 8.

Wemyss Castle was this year honoured by a visit from the queen-dowager. During the siege of the castle of St. Andrews by the French fleet, she had gone from Edinburgh to St. Andrews, and was there from 24th to 28th July. On 3d August she was at Wemyss, and the opportunity was taken by the laird to obtain certain grants on behalf of his relatives.[1]

Some other concessions were obtained by the laird of Wemyss from the queen-regent about the same time. One of these grants was a gift of the escheated estate and moveables of his neighbour, David Abercromby of Cameron, who had absented himself from the expedition under the Earls of Argyll and Arran for the recapture of Broughty Castle from the English in the end of 1547. The gift, which was made at Dundee on 4th December 1547, shows that the laird was present on the occasion, and he now craved the escheat as a reward, as well as for other reasons which will be referred to later.[2] Another gift the laird obtained from the queen-regent doubled upon a transaction of his own. With a view to the marriage of his eldest son and heir to Margaret Kirkcaldy, daughter of the laird of Grange, a neighbouring Fifeshire baron, he had sold, for some temporary accommodation, to the laird of Grange, for 1000 merks, the right of his son's marriage. Kirkcaldy was forfeited for complicity in the death of Cardinal Beaton, and the queen-regent bestowed upon the laird of Wemyss the right of his son's marriage, with the sum of 500 merks, which he had received as part payment of the price of it from Kirk-

[1] These were letters of legitimation for his natural brother, James Wemyss, dated at Wemyss, 3d August 1547 [Registrum Magni Sigilli, vol. iv. No. 127], which were confirmed by a later document granted at Edinburgh, in which not only James, but another natural brother, Patrick, three sons of the laird himself, John Wemyss, a son of his brother Robert, and William, son of a deceased William Wemyss, were similarly legitimated. [Letters under the Great Seal, dated 3d April 1548, in Wemyss Charter-chest.]

[2] Vol. ii. of this work, p. 286; charter of the lands of Cameron, dated 24th April 1548. *Ibid.* p. 287.

caldy.[1] At the same time letters were directed to the sheriff of Fife to cognosce upon the marriage contract, by which means it was taken possession of by the Crown, and returned to the laird.

Among other military engagements in which the laird took part, was the battle of Pinkie, which was fought on 10th September 1547, and where he was taken prisoner on the field.[2] But his captivity did not last long, as by the intervention of the Earl of Huntly, who became security for payment of the ransom, the prisoners were soon liberated. As has been stated, the laird was present at the siege of Broughty Castle in December of the same year. In the following year the war was continued, and on 21st August he was required by letter from the queen to remain upon the south coasts of Fife for resisting the English.[3] In connection with this commission the laird greatly distinguished himself in the valiant repulse of a large body of English soldiers who attempted to effect a landing at St. Monans on the Fifeshire coast.

Bishop Lesley in his history states that the laird of Wemyss, being somewhat sickly, had returned from the camp to Wemyss Castle, and descrying the approach of the English fleet, caused such watch to be kept day and night that no attempt to land could be made without detection. The laird himself, however, was the first to observe such an attempt. The very night the English admiral, Lord Clinton, proposed to land his troops, the laird came down before daylight to examine the watch, and seeing lights and commotion among the English vessels, divined their intention, and took means to prevent it. He aroused the men in and about St. Monans, who did not muster above sixscore, and stationing the greater part of them at the most effective points of resistance at that place, he with the remainder

[1] Letters of gift, dated 11th February 1547-8. Vol. ii. of this work, pp. 286, 287.

[2] Historical Memoirs of the reign of Marie, Queen of Scots, by Lord Herries, p. 21.

[3] Letter of above date noted in old inventory in Wemyss Charter-chest.

proceeded two miles along the coast to make closer observation of the proceedings. Satisfied from what he saw and heard that the English were about to attempt a landing, he returned to St. Monans, and drew up his men in order to await their approach. As soon as day dawned, the English came and were received with a flight of arrows, which was followed by a sharp engagement at close quarters. Then, by pre-arrangement, Wemyss and his men retired behind some trenches in which they kindled a collection of ferns, straw, and other materials, making a great smoke, under cover of which they fired upon the invaders with three small pieces of artillery which they had with them. The men in the trenches then re-formed, and with shouts and yells bore furiously down upon the English, who at the same time were assailed in flank by the shouts and cries of another company. The smoke prevented them seeing that this second body was but a heterogeneous mass of non-combatants, men, women, and children, appointed by the laird to play this little *ruse de guerre*. But it answered the purpose effectually. The Englishmen, thus taken as they supposed in front and flank, turned and fled to their ships pursued by the Scots, who slew them even as they struggled in the water, so that of a thousand who landed, not three hundred returned to the fleet, and Lord Clinton himself escaped with difficulty. When he did reach his ship he at once gave orders to set sail. So great was the effect of this repulse, adds Lesley, that during the rest of the war no further attempt was made to land in Fife.[1]

Such is the account of this affair as given by Bishop Lesley, who gives the leading place in it to the laird of Wemyss, and to him, indeed, attributes all the credit of the action. Buchanan, however, while relating the incidents of the fight in much the same way, though without the minuteness of detail supplied by Lesley, assigns the chief part in the fray to James Stewart, brother of Queen Mary, accom-

[1] Lesley's History of Scotland, pp. 213-215.

panied by the citizens of St. Andrews,[1] and is silent respecting the laird of Wemyss. So is Lord Herries in his Memoirs of the period, though while he corroborates Buchanan about Lord James Stewart, he gives no details of the battle.[2] Yet the circumstantiality of the bishop's narrative is strongly in favour of the laird of Wemyss. Tytler humours the situation by accepting both accounts. He says that the English invaders "were encountered and defeated with great slaughter by the laird of Wemyss, assisted by the Lord James, who, on the first intelligence of danger, had mustered the strength of Fife, and here first gave a proof of that cool and determined character which afterwards raised him to such a height of power."[3] It is probably more than a mere coincidence that a pinnace, which was sunk at St. Monans about the time of this engagement, was, when recovered, gifted by Patrick, Earl of Bothwell, admiral of Scotland, with all its artillery and fittings, to the laird of Wemyss.[4]

After the death of Cardinal Beaton, and the assumption of office by John Hamilton, his successor in the archbishopric of St. Andrews, the laird renewed his bond of manrent to the new archbishop as his feudal superior, and received in return his bond of maintenance. This was in the beginning of 1550.[5] Peace was about this time concluded with England, and then ensued the contention between the queen-regent, Mary of Guise, and the Governor Arran for the regency, during which the laird of Wemyss, in some way which has not been ascertained, laid himself open to civil penalties, and was obliged to procure a remission, in general terms, for his transgressions prior to its date, and for which he had to pay a composition of £50.[6] From the transgression there compounded for, the reset and intercommuning

[1] Aikman's Edition, vol. ii. pp. 373, 374.

[2] Historical Memoirs of the reign of Marie, Queen of Scots, p. 24.

[3] Tytler's History of Scotland, vol. iv. p. 419.

[4] Vol. ii. of this work, pp. 177, 178.

[5] *Ibid.* pp. 178, 179.

[6] Dated 8th August 1553. *Ibid.* pp. 179, 180.

with declared traitors, and declining to obey George, Earl of Rothes, as lieutenant of Fifeshire, in resisting the invasions of the English, are excepted. But this was apparently a merely formal clause in similar writs drawn up for the Fifeshire lairds, and cannot be held to infer participation in the excepted transgressions by the laird, especially as George, Earl of Rothes, only received the appointment referred to in 1548. Stranger still, however, was the resuscitation a few months later of the charge of treason in connection with this laird's fighting under Glencairn at Glasgow in 1544, and he was obliged to obtain a remission of new for that offence.[1]

The laird also fell under ecclesiastical censure. He was due a sum of £100 Scots to George Clephane of Carslogie, and failing to pay, the creditor registered the debt against him in the books of the principal official of St. Andrews, and excommunication followed in course. The laird had now to settle with the church, and this he did by lodging the amount due in the hands of Archbishop Hamilton, who thereupon granted a deed of absolution, acknowledging receipt of the money, and ordering his curate at Wemyss to remove the censure.[2]

After her appointment as regent, the queen-dowager attempted to impose a tax upon the people of Scotland for the purpose of employing a standing army of foreign mercenaries for the defence of the kingdom. This measure was obnoxious to the whole nation, but as none of the nobles would risk initiating opposition to the regent, the lesser barons assembled in the Abbey Church of Holyrood at Edinburgh to the number of three hundred, and despatched two of their number to signify their disapprobation of the proposal, and to remonstrate. The two commissioners were the laird of Wemyss and James Sandilands

[1] Vol. ii. of this work, pp. 180, 181; dated 13th March 1553-4.

[2] *Ibid.* pp. 181, 182. Absolution was dated 6th April 1555, and the curate's indorsement on the following day intimates his obedience to the mandate.

of Calder, whom Lesley represents as two of the most ancient barons, while Keith extols their great prudence and moderation.

In presence of the queen-regent and her council these commissioners most humbly but firmly represented and requested that no alteration should be made on the ancient custom, laws, and liberties of the realm, by imposing such a taxation and for such a purpose. Their forefathers and predecessors, they said, had defended the country many hundred years valiantly with their own hands, for which cause principally they had received their lands and livings from their prince, to serve him with their own persons in the wars. Besides, they were perfectly convinced that no one had power to alter the nature of their holdings, or to dispense with them, or to discharge them of that service, especially during the minority of their prince and sovereign. In that respect the king had been at all times called King of Scots rather in reference to men than to money or the substance of the country. Moreover, they added, the present inhabitants of the realm were of as good courage and hardihood, and as able and valiant to defend it as their forefathers in times past, and therefore they would fight with their own hands and defend their country with their own bodies. They would not trust hired men to defend faithfully their liberties, wives, children, lands and possessions. There was not sufficient substance to spare in the land to sustain the number of idle men that would be required for the defence of the borders. Finally, they affirmed that if the proposal were carried out, the lords, barons, and gentlemen of the country, would fall into such idleness and unskilfulness in arms through disuse that they would become an easy prey to any nation that chose to invade the realm. This remonstrance had the desired effect, and the proposal was immediately receded from.[1]

The laird's warlike spirit was tempered and restrained by severe

[1] Lesley's History of Scotland, pp. 254, 255; Keith's History, p. 70.

bodily infirmities, increased by frequent campaignings. He was troubled with catarrhs, to which he was greatly subject, and also afflicted with the gravel. He was summoned, in 1557, to proceed on military service to Fala-moor, but his physicians warning him that his life was in peril if he caught cold, he obtained from the queen-regent a licence to remain at home, provided he sent his son and heir, with his household and men, sufficiently equipped for warfare. A further consideration, induced doubtless by the remembrance of his valuable services at St. Monans and elsewhere, was that he would be at hand in case of danger to assemble "the cuntre on the sey cost, quhair he duells, the mair ernestlie be resoun of his presens."[1] For the same reason of bodily weakness, the laird obtained about this time from the archbishop of St. Andrews a licence to eat flesh, eggs, cheese, butter, etc., during Lent and other fasting times, and in the privilege his wife, Janet Trail, and his brother David, were included.[2]

The queen-regent seems to have laid a special value on the assistance and counsel of the laird, for besides his services in the field, she frequently required his attendance as a privy councillor. More especially was this the case as the Reformation crisis approached, for in the conflict between the queen-regent and the lords of the congregation he took part with her.[3] The lords demanded that he should subscribe the covenant, seeing he was "ane of the principale baronis of the cuntre," or else be accounted by them an enemy to the commonwealth, and they were quite willing that he should be exempt from field service, provided he sent his son and servants.[4] But the laird preferred the other side, although his brother David took part with the lords of the congregation for this purpose, if the queen-regent's letter of dispensation thereanent is to be believed, "thatt be his

[1] Vol. iii. of this work, pp. 10, 11.

[2] MS. 34, 6, 24, in Advocates' Library. The licence is dated 21st February 1557-8.

[3] Vol. iii. of this work, pp. 11, 12.

[4] *Ibid.* pp. 12, 13.

lawbors [he] may saiff the said Johne, his freindis and possessiouns fra the violence of the saidis conspiratouris."[1] To ensure his further steadfastness, the laird of Wemyss received from Queen Mary a commission as her lieutenant of the counties of Fife, Kinross and Clackmannan, in order to conduct measures there against the Reformers.[2]

The laird, however, got little opportunity to do anything. The French soldiers brought over by the queen-regent, after their victory at Edinburgh, went to Fife, and lay at Kinghorn. From that place they wasted the surrounding country, "alsweall papists as protestantis," says Knox: "yea, even those that war confidderat with thame, suche as Seafield, Weames, Balmowto, Balwearry, and otheris, ennemyes to God, and traytouris to thair countrey. Of those (we say) thei spaired not the scheipe, the oxen, the kyne, and horse; and some say that thair wyffis and doughtaris gatt favouris of the Frenche soldiouris." They made an expedition along the coast eastward, during which they suffered from want of food, and though the laird of Wemyss sent provisions to them, these were intercepted by the forces of some of the Reformed lords who held the French in check. At this juncture English succours arrived in the Forth, the French soldiers were driven out of Fife, and the laird of Wemyss and the other lairds mentioned by Knox were apprehended, but on promising fidelity and giving pledges never to stand against the congregation, they were set at liberty.[3]

On the death of the queen-regent in June 1560, peace ensued, and at a later period of the year the laird obtained a commission of justiciary for himself and his eldest son from Archibald, Earl of Argyll, Justiciar of Scotland, to hold courts anywhere within his

[1] Vol. iii. of this work, p. 14.

[2] Commission, dated 9th Jannary 1559-60, old inventory in Wemyss Charter-chest.

[3] Knox's History, Laing's edition, vol. ii. pp. 7, 14, 43. Letter to Sir Ralph Sadler, dated 4th February 1559-60. State Papers, vol. i. p. 701.

barony of Wemyss, for the trial of two thieves taken and imprisoned by them.[1]

Some time after the young widowed Queen Mary returned to her kingdom from France, she made a progress through Fife, and visited the castle of Wemyss, the residence of her local lieutenant. This visit, which took place in February 1564-5, was a memorable one, for it was here she first met Henry, Lord Darnley, and that those impressions were made upon her which resulted in their marriage. The queen did not stay long at Wemyss, but her visit has been commemorated in a durable manner by a sculptured head of her Majesty being inserted in the front wall of the castle.[2] This laird of Wemyss was attached to the cause of Queen Mary, as he had been to her mother, and on two occasions he, with other Fifeshire barons, subscribed bonds in her support. The first was on 12th September 1565,[3] when the queen had intimated her intention to marry Darnley, and thus gave the signal for war with her brother, James, Earl of Murray. The laird, however, was at the time again unfitted by sickness for active service, and once more obtained a licence to remain at home, on condition of sending his contingent with his eldest son.[4] The other occasion was on 8th May 1568, after the queen had married Bothwell, and just before the battle of Langside.[5] As this bond was subscribed at Hamilton, and the battle was fought on the 13th May, it is evident the laird was present during that conflict, and it seems to have been the last in which he was engaged. He received the honour of knighthood about this time, perhaps in connection with this engagement.

When John, laird of Wemyss, succeeded to his father, the estates

[1] 22d November 1560. Vol. ii. of this work, pp. 197, 198.

[2] The Lennox, by William Fraser, vol. i. p. 471.

[3] Register of the Privy Council, vol. i. p. 368.

[4] Vol. ii. of this work, pp. 198, 199. In the following month he was appointed keeper of the havens of East and West Wemyss, for the intercepting of enemies to the king and queen. [Register of the Privy Council, vol. i. p. 381.]

[5] Keith's History, p. 476.

comprised the barony of Wemyss as erected in the year 1511, the sixth part of the lands of Wester Wemyss, purchased after that date from Cunningham of Polmaise, and the lands of Little Raith, Powguild, and Glenniston at Loch Gelly, with the exception of the landsof Elcho and Strathardle which had been alienated to the laird's brother, David Wemyss. This alienation was not satisfactory to the laird, and he instituted legal proceedings for reducing the infeftments which had been granted to his brother. The matter was ultimately referred to arbitration, and an amicable arrangement effected, whereby, in exchange for a lifelong tenure of the lands of Dron and the sum of 3000 merks, David Wemyss of Carnbo, as he is then called, surrendered the lands of Strathardle, the two Kinnairds, a tenement of land in the burgh of Wemyss, with other lands on the west side of the burgh, and a salt-pan there, and also all his right to Easter or Wemyss Elcho, Balhepburn, and Craigton, in favour of his brother, the laird of Wemyss.[1]

The lands of Elcho, Balhepburn, and Craigton, belonging to Sir John Wemyss, lay in the parish of Rhynd, on the south bank of the river Tay, not far above the confluence of the Earn with that river. They were dominated by the keep or castle of Elcho, which occupied a commanding position on the river side, as its stately and well-preserved remains still do. Fully a mile to the west of the castle, at a place now called Orchardneuk, stood the priory of Elcho, the seat of a convent of Cistercian nuns, founded in or before the reign of King Alexander the Second, when the Earl of Strathern is said to have

[1] Summons of reduction, and instrument narrating agreement in terms of a decreet-arbitral pronounced on 13th May 1552, by Walter Lundy of that ilk, Mr. James Macgill, Sir William Hamilton of Sanquhar, and Mr. Thomas Makcalzean, with advice of John, archbishop of St. Andrews, dated at Edinburgh, 2d December 1552. [Vol. ii. of this work, pp. 287, 288.] Charter and precept thereon and crown confirmation of these, dated 3d December, same year. [*Ibid.* pp. 288, 289; Registrum Magni Sigilli, vol. iv. No. 725; and old inventories in Wemyss Charter-chest.]

endowed them with the lands of Kinnaird.[1] During the reign of King James the Fourth, the priory was the retreat of his aunt, the Princess Margaret, the prioress being allowed 100 merks yearly for her maintenance there.[2] In the time of Sir John Wemyss the nuns occupying the convent were only eight in number, including their prioress, Euphame Leslie. They had suffered severely in the English invasion, especially after the southern soldiers stormed and took the castle of Broughty in the end of the year 1547, their priory being spoiled and burned by the English forayers. In these circumstances Sir John Wemyss came to their assistance with twenty bolls of bear (barley), the loan of which they thankfully acknowledge as given in their great necessity in 1548, and, they add, "will God, we sall pay him and his factouris xx^{ti} bollis off the best beyr sall grow on our manis" in 1549.[3]

On another occasion, a few years later, he lent them 200 merks, to relieve their debts on account of which they were on the point of being laid "under process of cursing," which would have arrested religious worship in the priory. The laird of Wemyss, whom they designate "oure maist speciall helply frende," had to wadset a fourth part of his lands of Easter Elcho to raise the money, and they acknowledge this in their obligation to repay the sum on demand.[4] And yet again, in 1558, he lent them 100 merks as they were still suffering

[1] MS. of Sir James Balfour, Advocates' Library, Edinburgh. Spottiswoode says the priory was founded by David Lindsay of Glenesk, and his mother, upon a spot of ground belonging to the abbey of Dunfermline. [Religious Houses, in Keith's Scottish Bishops, p. 463.]

[2] Accounts of the Lord High Treasurer of Scotland, Preface, p. cclxxxix.

[3] Acknowledgment by Euphame Leslie, dated at Elcho, 12th May 1549, in Wemyss Charter-chest.

[4] Letters of obligation by Euphame Leslie, dated at Elcho, the place of the monastery, 1st September 1554, and a relative instrument, dated 19th of same month. Vol. ii. of this work, pp. 289-291. A short time before, in 1553, the laird wadset his lands of Balhepburn to John White of Easter Lumbeny, but under reversion, for which he obtained letters of regress from the Crown. [Precept of sasine, and letters of regress, dated 18th May, in Wemyss Charter-chest.]

from the depredations which had been committed by the English ten years previously, and they wished to redeem a lease of the twenty-four acres of cottar's lands which they had granted to John Swinton in Cottis for nineteen years, but which operated greatly to their hurt.[1] Such a willing protector of the defenceless nuns of the priory was not to be forgotten, and accordingly, so early as 1552, they appointed their benefactor bailie of their lands of Wester Elcho, giving him as his fee for that service the little meadow of Elcho.[2]

A few years later, in 1555, the nuns granted to the laird a lease for nineteen years of the meadow of their Mains of Elcho, the boundaries of which are described as the Coates on the south, a burn and the Mains on the west, the Mains on the north, and the laird's own lands of Easter Elcho, which are also called Bogmane, on the east. For this lease the laird was bound to pay yearly twenty-four loads of coals at Wester Elcho, but considerately for their conveyance, it was to be in the summer season, between Whitsunday and Michaelmas.[3] Again, just shortly after the redemption of Swinton's lease of the twenty-four acres of cottar land, the nuns of Elcho granted these acres by charter of feufarm to their heritable bailie, who, they say, had paid to them a sum of money which had been expended in repairing, building, and embellishing their monastery, and had conferred on them many benefits and counsels. These twenty-four acres were situated as follows:—fifteen in the Westertoun of the Cots of Elcho, three in the town called Brunthill, and the other six in the town called Laverokis. They were feued, however, to the laird at an increased rent of 25 merks, 3s. 8d. yearly, being an addition of £1, 6s. to what was formerly paid. Part of this rent was not to be paid. The sum of 16 merks, 10s. 8d., the ancient rent of sixteen of these acres, was to be retained

[1] Obligation to re-pay when required, dated 7th May 1558, in Wemyss Charter-chest.

[2] Charter of feufarm, dated 20th November 1552; old inventory in Wemyss Charter-chest.

[3] Lease, dated 3d October 1555, in Wemyss Charter-chest.

by the laird as salary for the execution of his office of bailiary, while the income from the courts held by him was to be paid over to the nuns.[1]

Though the nuns were still suffering in the following year from the effects of the English spoliation of 1548, they resolved further to express their gratitude to the laird, who for four years after "the said combustioun" had supplied them with meal, malt, and sowing seed, and had lent them at different times various sums of money, which, with the value of the grain, amounted, *in cumulo*, to 600 merks. As from their extreme poverty and indebtedness they could not repay this sum, nor were able themselves to labour the lands of their Mains and Grange of Elcho, they granted to their benefactor and his heirs a lease for nineteen years of the Mains and Grange of Elcho, with teind sheaves, mill, and salmon fishing thereof, excepting only the "place" and the orchard, for the yearly rent of six chalders of oatmeal and three of barley, to be paid between Yule and Candlemas.[2]

Thus, when the Reformation of 1560 came, all the lands of the priory of Elcho, with the exception of the building itself and its garden, and the lands of Coates, were in the hands of Sir John Wemyss, and the new order does not seem to have occasioned any serious disturbance to the inmates of the convent, as Sir John continued to manage their affairs during the remaining period of his life. By arbitration in 1562 he settled the marches between Elcho and the lands of Coates, feued by Archibald Dundas of Fingask, conform to a prior decreet in 1546;[3] and to him he also granted, in or about 1569, a licence to convey his goods through the lands of Craigton, during the granter's pleasure.[4] Before the end of the year 1570, the prioress, Euphame Leslie, had died, and Andrew Moncrieff, a son of William

[1] Vol. ii. of this work, pp. 294, 295.

[2] *Ibid.* pp. 295, 296. The charter is dated in May 1559, and the laird was infeft on 26th September following. On August 4th, same year, the prioress grants a discharge for the 600 merks in name of grassum. [Discharge in Wemyss Charter-chest.]

[3] Submission, dated 8th March 1562, in Wemyss Charter-chest.

[4] Licence. *Ibid.*

Moncrieff, younger of that ilk, had obtained a gift from the Crown of the commendatorship of the priory. As perpetual commendator he conveyed the monastery, with its orchards, precincts, and pertinents, to his brother William Moncrieff, and the subjects are described as then lying waste and without inhabitant.[1] What had become of the nuns does not immediately appear. Perhaps they were living in the neighbourhood under protection of the laird of Wemyss, for in the following February they appointed him their procurator to pursue the commendator and his father for satisfaction and sustentation of them during their lives. Whether he did so successfully or not does not transpire, but some arrangement was made, for in 1585, after the nuns had been dispersed, and one of them, Helen Stewart, had married, she, with her husband, John Caling, acknowledged receipt of her yearly pension of twenty merks out of the rents of the priory of Elcho, paid by the then laird of Wemyss.[2]

After 1570 Sir John Wemyss paid the feu-duties of the priory lands held by him to William Moncrieff, younger of that ilk, who granted discharges as tutor and administrator to his young son, the commendator. In right of his tenure of these lands, and of the teinds of them, the laird received in 1570, from John Leslie in Kintore, executor of the deceased prioress, Euphame Leslie, certain writs respecting these teinds as granted to the convent of Elcho by the priors of the Isle of May about 1450. Of these he acknowledged receipt, and obliged himself to exoner the executor in regard to them.[3]

Besides thus practically adding Wester Elcho to the family possessions, the laird of Wemyss acquired, by purchase from David Wood

[1] Charter, dated 6th November, and charter of confirmation under Great Seal, dated 12th November 1570, old inventories in Wemyss Charter-chest. Cf. Reg. Mag. Sig., vol. iv. No. 1939.

[2] Procuratory, dated 14th and 16th February 1570-1, and discharge, dated at Perth 24th February 1585-6, noted in MS. 34, 6, 24, Advocates' Library, Edinburgh.

[3] Discharges by William Moncrieff, and obligation by John Wemyss of that ilk, dated 20th December 1570, in Wemyss Charter-chest.

of Craig, one-eighteenth part of the lands of Wester Wemyss, Newton, and Bogtown, with the same fractional part of the coals and coal-heuchs, salt and salt pans, one ninth part of Pitconnochie, and an eighteenth of the lands of Elcho and Balhepburn, with mill, multures, and salmon fishing. The sum paid was 200 merks, and the transaction took place at Wemyss, among the company present being Oliver Sinclair of Pitcairn (of Solway notoriety), Mr. John Bellenden, and Richard Melville of Baldovie. Wood, the granter, agreed to draw up the necessary documents, under the advice of James Lundy of Balgonie and Oliver Sinclair.[1]

The moor of Wemyss, which lay along the northern side of the parish of Wemyss, was the subject of considerable litigation and arrangement during this laird's time. In the previous memoir reference has been made to the granting by David Wemyss of two tolerances to David Abercromby of Cameron to pasture on the moor and to lead fuel therefrom. On these occasions Abercromby had distinctly stated that he had no other right or claim to the moor than the good pleasure of the laird of Wemyss. But after the succession of Sir John Wemyss he took a different stand, and refused to leave the moor when challenged. He now claimed the use of the moor as a matter of right, and procured royal letters warning the laird to desist from molesting him and his servants in the same.[2] This state of affairs lasted for several years, and it seems to have been a sense of injuries received, which induced the laird of Wemyss to apply in 1547 for the escheat of David Abercromby, formerly mentioned, that he might be able to compensate himself. In 1550 counter actions were raised by both parties before the lords of council, who gave decree in favour of the laird of Wemyss. In his pleadings the laird produced evidence of the

[1] Agreement, dated 9th April 1546, also charter by Wood, dated at Bonnyton, 2d May, and crown confirmation of same, dated 10th May 1546, and sasine, dated 4th May 1547, in Wemyss Charter-chest.

[2] Vol. iii. of this work, p. 9.

marches of his lands on the east, which are defined as beginning from the sea at the burn of the Dene betwixt the said John's lands of East Newton and the laird of East Wemyss's lands, coming north-east as the burn goes, to the lands of the laird of East Wemyss on the south-east side of the same, called the Hairlaw, and from the said Hairlaw north-east as a "lathe" (ditch or miry place) goes to the dyke of Cameron on the south-east side of the same "lathe," and from the said dykes of Cameron even north by the march dyke of the Maw to the "hie gate" (highway), as the march dyke goes between the moor of Wemyss and Maw, and from the highway westward the whole moor of Wemyss to the "telit" (sown) rigs of Little Lun. These being verified as stated—for the cause had been previously heard before the sheriff of Fife and his deputes—and the tolerances granted by the laird's father to David Abercromby produced, Abercromby was decerned to desist from using the moor.[1] A few days after this decision Wemyss obtained letters of inhibition against Abercromby, who, he says, is determined to evade payment of his liabilities. Wemyss notes that he had been at great expenses in pursuing these cases, under lengthened delays, and for these, with compensation for damage done to his heritage, amounting to upwards of 800 merks, he intended instituting proceedings speedily.[2]

Abercromby, however, did not desist from trespassing, at least immediately, for officers of the law had to be sent to him in September of the same year with letters of four forms to charge him to do so under penalty of imprisonment in the castle of Dumbarton.[3] At a later period the laird of Wemyss employed another means to exclude Abercromby from his moor. He ploughed and sowed that part of the moor which lay adjacent to Cameron. Abercromby tried to meet this by procuring

[1] Decreets by lords of council, among whom was Mr. Thomas Wemyss of Unthank, in both cases, dated 24th July 1550, in Wemyss Charter-chest.

[2] Inhibition, dated 31st July 1550, in Wemyss Charter-chest.

[3] Summons and letters of charging, dated 3d September 1550. *Ibid.*

letters of arrestment of the crop until it should be decided to whom it belonged. But Sir John promptly responded by summoning him and the queen's advocates, Henry Lauder and John Spens, to produce the letters before the lords of council, and as they did not appear the arrestment was suspended.[1] Summonses for the same fault of trespassing on the moor had again to be served on Abercromby and his tenants in 1562;[2] but after this date the quarrel does not appear to have continued. David Abercromby died in 1569, after nearly fifty years occupancy of Cameron—he was infeft on 11th February 1520-21[3]—and his son, Andrew Abercromby, who succeeded in 1569,[4] exchanged Cameron, after more than twenty-five years' possession, for the half lands of Strathruddie in Lochoreshire.[5] Cameron thus became the property of the Colvilles of Easter Wemyss, and with that estate it was afterwards added to the possessions of the Wemyss family by John, Lord Wemyss of Elcho, in 1630.

Cameron-mill was already the property of the lairds of Wemyss, and in regard to it their neighbours, the Duries of that ilk, were allowed by them certain water privileges. These were renewed in this laird's time, when, on the 18th of July 1551, Robert Durie of that ilk came to him upon the lands of Cameron-mill, and there at the water side of Leven, pertaining to John Wemyss of that ilk, acknowledged he held a licence from his father, the late David Wemyss, and had no other right to dam the water of Leven on the lands of Cameron-

[1] Decreet by lords of council, dated 7th January 1557-8, in Wemyss Charter-chest.

[2] Note of services of summonses, June 1562. *Ibid.*

[3] Sasine. *Ibid.*

[4] Sasine of Andrew Abercromby, son and heir of deceased David Abercromby of Cameron, dated 21st May 1569, in Wemyss Charter-chest.

[5] Contract between James Colville of Easter Wemyss and Andrew Abercromby, whereby Colville is to get Cameron, and binds himself to obtain, at the hands of John Boswell of Balmuto, the infeftment of Andrew Abercromby and Catharine Sibbald, his wife, in the half lands of Strathruddie, with the temple lands thereof, lying in the common of Lochoreshire, dated 24th May 1596; also procuratory of resignation of Cameron by Abercromby and his wife, dated 1st March 1597-8, in Wemyss Charter-chest.

mill. It was held only during the granter's pleasure, and he now begged the favour of its renewal on the same footing, with the addition of a "clwse" (sluice) of water to his dam from the lade from the laird's mill of Cameron in dry summers, and the double favour was readily conceded.[1]

Another property bordering on the moor of Wemyss was the Maw, an estate of thirty-three acres, in the territory of Cameron, on the south edge of the parish of Markinch, which, in 1421, had been granted by Murdach, Duke of Albany, to Alexander Gaw, to a descendant of whom, John Gaw, David Wemyss, in 1533, granted a tolerance to pasture cattle on the adjacent moor and lead fuel therefrom. About thirty years afterwards John Wemyss of Wemyss interrupted the tolerance, a step which was resisted by Alexander Gaw, grandson of John, who had just succeeded to his father, Alexander, and legal proceedings were instituted, resulting in a judgment in favour of Wemyss. The lands of Maw had previously been divided into two portions, known as north and south.. The north half became the property of the Lindsays of Piotstoun, who sold it to Colville of East Wemyss in 1532, and Colville sold it to Alexander Gaw in 1540. The other, and south half, became the property of Alexander, Lord Home, who, in 1564, sold it to Sir John Wemyss of Wemyss for 400 merks. But as at the time of this sale Lord Home had in view the exchanging of the lands of Kinnaldy, Orwell, and this half of Maw, which he held in Fife and Kinross, with Sir William Bruce of Earlshall, for his lands of Birgham in Berwickshire, Sir John Wemyss granted right of reversion to Lord Home.

This purchase, however, complicated affairs with Gaw. The limits of the respective halves were but ill-defined, and Sir John Wemyss, desiring that these should be properly ascertained, took steps to obtain a jury of inquest. But the witnesses were unwilling to appear,

[1] Tolerance in Wemyss Charter-chest.

and letters had to be procured compelling their attendance. The inquiry does not seem to have taken place, as twelve years later it was still unaccomplished, and in July 1565, Sir John Wemyss raised an action against Gaw for trespassing on and occupying his half of Maw, and obtained decree against him. Thus the matter was left by the laird, a legacy of future litigation to his son.[1]

The boundaries of the Wemyss estates with those of the Lords Sinclair had been matter of arrangement in 1512. But in 1555 the question again came up for settlement, and at the sight of the arbiters the marches of the two estates were determined and marked by an elaborate series of stones, "pots," and crosses, several new crosses being put up, from Fotheringham's ford northward to the highway between Kinghorn Ferry, Cupar, and St. Andrews, thence northward to a "mekil brod erdfast staine," thence northward to the bog of Kildaf, and from the north side of the bog, going a little way west, to the "southestwart nwk of ane awld ground of ane dyk," then northward to a great cairn of stones, and so in the same direction to the Bogtown Moss. These were to remain as the perpetual boundaries between the two estates.[2]

At the other end of the parish of Wemyss, to the east of Sir John's lands of Methil,[3] and between them and the river Leven, lay the lands of Innerleven or Caldcoats. At the end of the fourteenth century they were, as formerly shown, the subject of contention between Sir John Wemyss of Reres and the then proprietors, the Innerlevens of that ilk. Since that time they had become the property of the family of Sibbald, from whom they were carried by marriage to that of Lundy of Balgonie, who was in possession in the time of this Sir John. The

[1] Documents in the Wemyss Charter-chest.

[2] Decreet arbitral, dated 28th October 1555, in Wemyss Charter-chest.

[3] In this laird's time, in 1545, the installation of Robert Swyne, a priest of St. Andrews, as rector of Methil, took place. The former rector, Mr. William Blackadder, had resigned office. Friar John Grierson, father of the provincial order of Friars preachers in Scotland, presented the Pope's bulls on the occasion. [Notarial instruments, dated 22d and 28th June 1545, in Wemyss Charter-chest.]

superiority of these lands belonged to Andrew Dunbar of Kilconquhar, and from him Sir John Wemyss purchased his rights in 1554, in which year also he was established in the lands of Innerleven by charter and other documents from the overlord, John, archbishop of St. Andrews.[1] The Lundies of Balgonie after this date obtained their infeftments from the lairds of Wemyss.

In former memoirs the grants of the church of Wemyss, with certain lands which were called the kirktoun and kirklands of Wemyss, to the hospital of Soutra have been referred to. This hospital was annexed in 1462 by Mary of Gueldres, the queen of King James the Second, to Trinity College Church, Edinburgh, which thus acquired the kirk and kirklands of Wemyss. From Sir George Clapperton, the provost of Trinity College, and his convent, in 1545, John Wemyss obtained a charter of feufarm of the church lands of East Wemyss, and also of the kirktown, with the exception of the chief manse of the vicar on the north, the adjacent croft on the east, and the chamber and garden and two acres on the west occupied by the vicar pensioner. Sir John is said to have paid large sums for the repair of their college, and he is to pay yearly the sum of 40 merks, 2s. 10d., being an increase of 20s. on the old rental. The charter required to be confirmed by Cardinal Beaton, as papal legate, who delegated John Major, the historian, then provost of St. Salvator's Church in St. Andrews, and others, to make inquiry, with authority to confirm the charter if they found it for the welfare of the church. This was done, and Sir John Wemyss placed in possession of the lands.[2]

From the same persons the laird held leases of the teinds of Wemyss, including those of Easter Wemyss. The boundary of his lands with those of Easter Wemyss, held by the Colvilles, was the Dene burn, so that the parish church, which stood some distance west

[1] Vol. ii. of this work, p. 289, and documents in Wemyss Charter-chest.

[2] *Ibid.* pp. 172-174, 284-286.

of that burn, was on the laird's own property. Of a nineteen years' lease of the teinds which he obtained from the provost of Trinity College in 1549, he assigned to Sir James Colville in 1552 those pertaining to Colville's own lands, receiving 1000 merks for the grant, while Colville was bound to pay the annual sum of 44 merks, the share payable by Wemyss being 47 merks, and they divided between them the obligation to maintain the fabric of the church watertight, each undertaking to look after one-half.[1] In 1556, however, the Colvilles got a lease from Trinity College of the teinds of their own lands,[2] and the laird's lease being thus infringed he sought its renewal with limitation to his own lands. With his old lease and a request for a new one for a certain term of years, he sent the provost the present of a horse. What followed is shown by the provost's letter of reply :—

Richt honorabill Schir, efter maist hartlie commendatioune: pleise your maisterschip I haif ressauit your wretting this last Soneday fra your seruand, with ane boist, and thairin your auld letter of tak, with ane new tak to be expedit. Schir, ye sall wnderstand that this Monunday I convenit our brether in to our cheptour for to haif sene gif I mycht ony maner of way set fordwart your intentioun, that ye mycht haif cum vnto your purpose in obtenyng of your new takkis. I requirit of thame gif thai wald condescend thairto, and inprimis I requirit Schir Alexander Hendrysoune, the quhilk said he wald nevir consent for to mak ma takkis of yeris mair nor thair was, and all the laiff affermit the samyne quhilkis war thair in the mene tyme. And the said Schir Alexander said gif that the provest and cheptour granttit ony takkis ma to the laird of Eister Wemyss that he suld haif his takkis befoir ony wther, and it was said in the mene tyme that he wald cun them na thankis because that he was takkisman of the haill. Alwayis, Schir, ye sall wnderstand that I haif causit the brether for to be content

[1] Contract, dated 13th December 1552, in Wemyss Charter-chest.

[2] Charters of the Collegiate Churches of Midlothian, pp. 113, 115, 120. Several leases of the vicarage of the parish church of East Wemyss were granted by the provost and prebendaries of Trinity College to James Wemyss (who may have been either the laird's uncle, or his son the parish-clerk of Dysart) and his wife, Janet Murray, comprising the vicars dues of the church and manse, the feu-duties of the glebe and kirkland belonging to the laird of Wemyss = 40 merks, 2s. 10d., and the feu-duties of the sixth part of the lands of Blair = 21s. 4d.; for which he paid to them 120 merks, 2s. 10d., and to the vicar pensioner 20 merks, besides maintaining the manse in repair. [*Ibid.* pp. 116, 119.]

that gif ye pleis for to haif ane new letter of tak with the said yeris for to ryn of your auld assedatioun to bound your rowmes fra the laird of Eister Wemyss boundis, I sall, with the grace of God, do guid will for to obtene the samyne to your weill, and als that ye mak your assedatioun of xii yeris that ar to ryn, with the bounding of your landis fra the Dene burne wast devydand your landis fra the Eister Wemyss landis, as ye think maist expedient for your awin weill and proffict, and send it vnto me, and I sall do that I may for to fulfill the saymen to your plesour and effect. Schir, ye sall wnderstand that I was havillie murmurit be my brother that I tuike buddis fra you and speciallie horse for to consent for new takkis to you of the teyndis of the Wemiss quhilkis pertenis vnto the beidmen, the quhilk I schew to the cheptour that they murmurit me wrangouslie: and, Schir, ye knaw that I haid nocht of na man, bot of your guid mynde towart me, for my awin allanerlie and nocht for na wtheris, quha salbe deddit vnto you efter my poweir in all that I may or can: And wald God that this matter stuid in my handis, ye suld considder and se that it suld be ordaneit and suirlie addressit to your awin plesour and proffict, and that conforme to the auld proverbe,—Dene William is guid and Dene Robert is guid, bot schrew the convent—This, Schir, pleis ye man keip secreit quhill we cum to our intentioun. Forder, Schir, I pray God thank you of your horse ye send me quhilk salbe reddy with man, poweir and geir to your honour and plesour sa lang as I haif ane lyff. Alse, Schir, ressaue your boist with the contentis thairin as ye send it to me with this berair your seruand. Forder, quhat I may do to your plesour salbe at wter poweir, as God knawis, quhome mot preserve your maisterschip in prosperite, saull and body. Wrettin at the Trinitie College, beside Edinburgh, the xiiij day of December, be youris at wter poweir,

Schir GEORGE CLAPPERTOUNE,
prowest of the Trinite College, besyde Edinburgh.

To ane richt honorabill man, his maist traist frende Johnne, lairde of Wemyss of that ilk.[1]

The lease was renewed to the laird on 13th March 1558-9, for other nineteen years, on this occasion only over his own lands west of the Deneburn, and it was again renewed on 2d April 1570 for nineteen years from that date, when Laurence Clapperton, nephew of Sir George, who had been provided to the college as titular, wrote his consent on the lease.[2]

Among the lands purchased by Sir John Wemyss was the superiority of two parts of Kilmux, in the parishes of Scoonie and Kennoway,

[1] Original letter in Wemyss Charter-chest.

[2] Original leases of 1549, 1558, and 1570, *ibid.*

which had belonged to Andrew Dunbar of Kilconquhar, and was acquired by the laird along with the lands of Innerleven. Kilmux had long been tenanted by the family of Chalmers of Drumlochy, the then representative of which, William Chalmers, also held the lands of Colliston, another property the superiority of which the laird about this time acquired by an apprising from Chalmers himself. Chalmers sold both to his wife's kinsman, Mr. John Spens of Condy, and the laird of Wemyss, in 1557, confirmed the charter of sale, as well as granted, in 1561, a new charter of resignation to Mr. John Spens and Jean Arnot, his spouse.[1] Between Kilmux and Innerleven, and also in the parish of Scoonie lay the lands of Balgrummo, Mountflourie, and Banbeath, the superiority of which the laird of Wemyss also purchased from Dunbar for 1000 merks.[2] But soon after receiving the money, and before the titles to the lands were conveyed to Wemyss, Dunbar died, and the matter was left to be arranged afterwards by the next laird of Wemyss.

While endeavouring thus to extend his domains eastwards, Sir John Wemyss sold one or two detached properties in other places. Half of Balhall, in Forfarshire, which he obtained on his marriage from his father, he sold in 1555 to David Lindsay, Earl of Crawford.[3] Half of Pitconnochie, near Dunfermline, he sold to Allan Coutts, a burgess of that town in 1556;[4] and in 1558 he sold to John Aytoun of Dynmure, who afterwards became his son-in-law, the lands of Hilldron, in Fifeshire.[5] But though he granted these lands to be held by Aytoun of the crown, it was under reversion, and letters of regress from the queen were obtained by the laird to ensure this.[6]

[1] Charters of Kilmux and Colliston *penes* Sir William Fraser, K.C.B.; Registrum Magni Sigilli, vol. iv. No. 1389.

[2] Discharge, dated 2d June 1564, in Wemyss Charter-chest.

[3] At Wemyss, 11th May 1555, Registrum Magni Sigilli, vol. iv. No. 996.

[4] At Wemyss, 2d August 1556. Coutts sold it in 1558 to Halket of Pitfirran, a neighbouring proprietor. *Ibid.* No. 2610.

[5] At Elcho, 28th April 1558. *Ibid.* No. 1273.

[6] Vol. ii. of this work, p. 295.

Sir John Wemyss had a long conflict with the Earl of Athole respecting the jurisdiction of his lands in Strathardle. By a general commission the Earl of Athole claimed power of justiciary over the Wemyss tenants there, but Sir John's predecessors had formerly exercised such jurisdiction themselves by commission from King James the Fifth, and he declined to admit the Earl of Athole's claim. He obtained in 1549 a decreet of the lords of Council suspending the earl's commission so far as regarded these lands, with royal letters thereon, and also letters of exemption under the hand of the Governor Arran. Notwithstanding these, however, Athole continued to intrude, and the quarrel was prolonged during Sir John's lifetime.[1]

As one of the curators of Thomas Lumsden of Airdrie, whose father was killed at the battle of Pinkie, Sir John Wemyss consented, in 1548, to his marriage with Margaret, daughter of Andrew Seton of Parbroath.[2] He compounded, in 1557, with Mariota Towers, his stepmother, for her terce of the Wemyss estate, giving her 100 merks yearly in lieu thereof. Sir John also, in 1556, granted a yearly pension of £10 to Cuthbert Robertson, a priest in Wemyss, and apparently his own chaplain, as his name often appears in the testing clauses of documents connected with the Wemyss estate.[3]

Sir John Wemyss made an attempt at the reconciliation of two ladies, one of whom was his own sister. The attempt was laudable in itself, but the result was unsatisfactory. Sir John's sister Grizel, and the sister of Sir William Bruce of Earlshall, were both "ladies of Brakmonth," and matters between them not going smoothly, their respective brothers arranged a meeting at Cupar in July or August 1567, to discuss the question. According to the complaint of Bruce it was not an amicable meeting; but having discussed matters, they

[1] Letters of suspension and old inventories in Wemyss Charter-chest. Cf. vol. ii. of this work, p. 297.

[2] Documents in Wemyss Charter-chest: Registrum Magni Sigilli, vol. iv. No. 259.

[3] Old inventory in Wemyss Charter-chest.

adjourned for dinner. Evidently, on considering the situation among themselves after the departure of the Bruces, Wemyss and his friends were greatly dissatisfied, and they resolved to summon Earlshall to another parley forthwith. A messenger brought him and his son to the kirk of Cupar, where after a short dispute, Earlshall was suddenly attacked by Sir John's brother, David Wemyss, not only with "evill wordis," but with the stroke of "ane whinger, which also inflicted a wound aucht inches in the bak," though he escaped the full force of the blow by stumbling over a bench. Wemyss's company, twenty-four in number, then all assailed Bruce with drawn swords, and he would have been slain, had he not fled for safety to the lodging of the laird of Wormiston.[1]

The quarrel was followed up on the part of Wemyss. In the following November when Bruce, with friends and servants to the number of twenty-four, was in Edinburgh on business, they were attacked in the High Street by a party headed by the young laird of Wemyss and his uncle David. Bruce states that his opponents numbered three-score persons, including some soldiers, and that they were also aided by the townspeople. In the *mêlée*, which was a serious one, the Bruces were worsted, but the others also suffered severely. A contemporary thus refers to the skirmish: "The 24 of November [1567], at 2 afternoon, the laird of Airthe and the laird of Weeims mett upone the heigh gait of Edinburghe; and they and ther followers faught a verey bloudey skirmish, quher ther wes maney hurte one both sydes vith shote of pistol."[2] On another occasion, Wemyss sent out a party of forty horse and twenty footmen to lie in wait for Bruce in the Den of Kincaple. This they did for the greater part of a day, and as

[1] Vol. ii. of this work, pp. 200, 201.

[2] Diary of Robert Birrel, p. 13, in Dalzell's Fragments of Scottish History. The chronicler adds as a sequel to the incident, that "Upone the 27 of November, ther wes a strait proclamatione, discharging the vearing of guns or pistolls, or aney sicklyke fyerwork ingyne, under the paine of death, the king's guard and shouldiours only excepted."

Bruce did not fall into the ambuscade, Wemyss's party marched to Earlshall, where, finding some of Bruce's friends playing bowls, they chased them to Petlathie, and after refreshing themselves at the house of the laird of Reres, they made a raid on the mansion of Earlshall. The feud was taken by Bruce into the law courts, but an amicable compromise was afterwards effected.[1]

On one or two occasions during Sir John's time Wemyss Castle was used as a place of safe-keeping for some prominent Borderers, many of whom were taken and distributed over the country by the government as hostages for the good behaviour of the rest of their clan and kin. Sir John was required in 1555 to entertain George Davidson in this capacity, and four Elliots and four Armstrongs were placed in 1569 under his care by the Regent Murray.[2] Under the regency of James, Earl of Morton, Sir John Wemyss supported the cause of Queen Mary against King James, her son, and declared for Kirkcaldy of Grange, her champion. In consequence of this he was charged to enter his person in ward, but he died before the command could be obeyed.[3]

It was at Easter or Wemyss Elcho, on the banks of the Tay, that his death occurred in the end of January 1571-2. On the 25th of that month he made his last will, but though then sound in mind, he was so distressed in body that he was unable to dictate an inventory of his goods and debts, and remitted that duty to his executors, confining himself to naming a few legacies.[4]

Sir John Wemyss of that ilk, as formerly mentioned, married, in the year 1534, Margaret Otterburn, eldest daughter of the then provost of Edinburgh. For reasons which are not stated, he instituted pro-

[1] Vol. ii. of this work, pp. 200, 201.

[2] Vol. iii. of this work, p. 9; Register of the Privy Council of Scotland, vol. ii. p. 54; The Scotts of Buccleuch, by William Fraser, vol. ii. p. 387.

[3] Bannatyne's Memorials, p. 218.

[4] Vol. ii. of this work, pp. 202, 203.

ceedings and procured a divorce from her in 1556. On 2d December of that year they entered into a mutual agreement whereby in respect of her dowry and other rights, Margaret Otterburn accepted infeftment in the lands of Easter and Wester Newtons, and the mill and mill lands of Cameron, from which she was to be guaranteed an annuity of 200 merks by the laird, he labouring the ground, and paying the aliment. She also obliged herself not to impeach the sentence, unless she first renounced this infeftment, and repaid all the money received under it. The laird undertook to perform his part, and to maintain his late wife in all her lawful business, and both took solemn oath for observance of this agreement, submitting themselves to the official of Lothian, in whose books it was registered.[1] The sentence of divorce had been pronounced by Mr. Thomas Wallace, parson of Unthank, a parish in the diocese of Moray, and immediately after their father's death, the children of Margaret Otterburn instituted proceedings for annulling the divorce, alleging that it was unjustly and wrongfully done, sentence being pronounced by a priest who had no manner of jurisdiction in such a cause.[2] Margaret Otterburn either predeceased her husband, or died within a few months after him, as in these later proceedings she is mentioned as dead.

Sir John Wemyss married as his second wife, before 21st February 1557-8, Janet, daughter of Alexander Trail of Blebo, and widow of John Ramsay of Ardbekie, who was killed at Pinkie.[3] She is called Lady of Lumbeny in a charter by her son, James Ramsay of Ardbekie, to his sister Elizabeth, and her husband, John Bonar, of the lands of Culle in feufarm, in which their mother and the laird of Wemyss were concerned. This was in March 1569.[4] Janet Trail was still alive in June 1575, when her step-son, David of Wemyss,

[1] Vol. ii. of this work, pp. 183-188.

[2] *Ibid.* pp. 208, 209.

[3] Retours of Fifeshire, No. 11.

[4] Registrum Magni Sigilli, vol. iv. No. 2174.

paid her £1000 Scots, in full satisfaction of all her claims of terce or conjunct infeftment.[1]

By his first wife, Margaret Otterburn, Sir John Wemyss had issue—

1. David, his son and heir, of whom a memoir follows.
2. John, who was alive on 3d June 1572, and joined with his brother and sisters in appealing for annulment of their mother's divorce. In a note by David, second Earl of Wemyss, written on 12th December 1672, it is stated that John "died goeing to France, by shipwrack."[2]
3. Margaret, the eldest daughter, who married before 1565, David Barclay of Collairnie, in the county of Fife. On 8th November in that year Sir John Wemyss and his son-in-law entered into an agreement, by which David Barclay and his wife renounced their claim to an annual rent of twenty bolls victuall from the lands of Cameron-mill, to which they had right for balance of tocher unpaid, in respect that Sir John had successfully used his influence to obtain for David Barclay the office of bailiary of Lindores Abbey.[3] She survived her husband, dying in September 1608. They had issue.
4. Elizabeth, the second daughter, who married, before 2d June 1560, David Balfour of Barry, also called of Balbuthie and Montquhanie, in the county of Fife.[4] She was a widow in 1572.
5. Agnes, who married, before 1572, John Aytoun of Dynmure, to whom, as formerly stated, Sir John Wemyss had wadset his lands of Hill-dron.[5]
6. Euphemia, who married, contract dated 4th October 1568, Mr. David Carnegie of Colluthie, second son of Sir Robert Car-

[1] Discharge by her brother Alexander Trail of Blebo, 11th June 1575, in Wemyss Charter-chest.

[2] Vol. ii. of this work, pp. 208, 209.

[3] Contract in Wemyss charter-chest. Cf. Reg. Mag. Sig., vol. iv. No. 1787.

[4] Vol. ii. of this work, pp. 210, 296. Cf. Reg. Mag. Sig., vol. iv. Nos. 2060, 2102, 3035.

[5] Vol. ii. of this work, pp. 208, 210, 296. Cf. Reg. Mag. Sig., vol. iv. No. 1273.

negie of Kinnaird, and ancestor of the Earls of Southesk and Northesk. Her tocher was 2000 merks. She died on 16th November 1593, leaving issue.[1]

By his second wife, Janet Trail, Sir John Wemyss had also issue—

7. Gavin Wemyss of Powguild, in the parish of Auchterderran, afterwards of Unthank or Winthank in the parish of Cameron. He married Catherine Wemyss, daughter and heiress of David Wemyss of Unthank, and grand-daughter of Thomas Wemyss of Unthank and Catherine Auchmoutie. Thomas Wemyss was a lord of session under the title of LORD UNTHANK, in 1544, and a privy councillor, and so early as 1532 had a lease of Unthank and Balhorny. In the notice of him as a senator of the College of Justice, and also in pedigrees, he is said to have been a son of Sir John Wemyss of that ilk, and may have been so, but the statement is not corroborated by evidence. In 1574, David Wemyss, described as a citizen of St. Andrews, received a charter of Unthank, etc., from Robert, commendator of the priory of St. Andrews, to himself, Janet Duddingston, his spouse, and their heirs. Their daughter, Catherine Wemyss, was infeft as his heir in these lands in 1592, and is described as wife of Gavin Wemyss, son of umquhile John Wemyss of that ilk. David Wemyss, their son, received a charter of these lands in 1597 from Ludovick, Duke of Lennox, and was still fiar of Unthank in 1617; but in 1624 he gave them to his son Gavin, his charter being confirmed three years later by David, Lord Carnegie. Gavin Wemyss of Unthank married a daughter of Paterson of Dynmure, and, dying in 1657, was succeeded by his son Robert.

Robert Wemyss of Unthank was served heir to his

[1] Vol. ii. of this work, pp. 208-210, 296, 297; The Carnegies, Earls of Southesk, by William Fraser, vol. i. pp. 57, 62, 63, 67.

father on 21st August 1661, in the lands of Unthank, with teinds, part of the town and lands of Newgrange at St. Andrews, and in the lands of Hilltarvet. He married, in 1662, Ann Preston, sister to the laird of Airdrie, and was succeeded by his son, John, who, in 1691, was served heir to his father, and two years later also to his grandfather, Gavin. This John Wemyss was the builder, in 1696, of the present mansion of Wemyss Hall, which Sibbald describes as "a pretty new house, belonging to Mr. John Weems of Winthank," and as built upon the south side of Tarvet Hill, which is now better known as Wemyss Hall hill.

John Wemyss of Winthank was succeeded by his son, James Wemyss of Winthank and Wemyss Hall, who was born in 1696, and died in 1793, at the advanced age of ninety-eight. He was noted during life as an early riser, much given to equestrian exercise, and of regular and temperate habits. Even to his latest years he retained much of his freshness and vigour, both physically and intellectually, spending several hours a day in reading and study. He married before 1758, Barbara Balfour, a descendant[1] of John Balfour of Kinloch, the well-known Burley of Sir Walter Scott. A few years before his death James Wemyss was served heir to his brother, John Wemyss, lieutenant of Edinburgh Castle, whose wife, Lady Catharine Wemyss, sister of John, Earl of Craw-

[1] Not a daughter, as is generally supposed, but a great-granddaughter. John Balfour, portioner of Kinloch (Balfour of Burley), in 1663 succeeded his father, John Balfour, portioner of Kinloch, and his grandfather, Robert Balfour, in $\frac{3}{8}$ of $\frac{1}{2}$ of Kinloch, etc. He was succeeded by his son, David Balfour, afterwards of Bankton, who died in April 1721. He had two sons, of whom the elder, William Balfour of Bankton, died in December 1731, and was succeeded by his brother, Henry Balfour of Bankton. He had a son and a daughter. The son, David Balfour, predeceased his father in September 1746, and on the death of Henry Balfour in 1751, his daughter Barbara, wife of James Wemyss of Winthank, was served heir to her brother and father in 1758 in parts of Kingskettle and Kinloch.

ford, was a well-known figure in Scottish society of last century. James Wemyss was succeeded by his son, James Wemyss of Wemyss Hall, in 1794. James Balfour Wemyss of Wemyss Hall, who succeeded his father, James, in 1871, is the present representative of this branch of the Wemyss family.[1]

8. Patrick Wemyss, who, as a witness to a charter dated 5th June 1580, is called brother-german of the laird of Wemyss.[2]

Besides these children, Sir John Wemyss had five sons and a daughter, three of whom, as formerly stated, were legitimated by letters under the Great Seal in 1548. These were—

1. Robert Wemyss of Earl's Seat, to whom the laird left the legacy of the whole oxen that laboured Earl's Seat.[3] He married Margaret Law, and died in August 1584. His wife survived him, and gave up his testament-dative on 15th December 1596, in name of James Wemyss, their lawful son.[4]
2. Michael Wemyss, who appears during the regencies of Murray, Lennox, and Morton, as Captain Michael Wemyss. He supported the cause of Queen Mary, and was in command of a company of soldiers at Brechin, when they were taken by Lennox in 1570. His comrades were hanged, but he obtained his life and freedom on this occasion, as it was said to be his first offence. He seems then to have gone to Denmark, and

[1] Original papers in Wemyss Charter-chest; MS. 34, 6, 24, Advocates' Library, Edinburgh; Retours for Fife, Nos. 892, 1327, 7352; Registrum Magni Sigilli, vol. iii. Nos. 1401, 2941, 3061; vol. iv. 295, 1389, 2849; Register of the Privy Council, vol. i. p. 111; Lamont's Diary, pp. 102, 143, 203; Lindsay's Retours; Sibbald's Fife and Kinross, Ed. 1803, p. 361; Leighton's History of Fife, vol. ii. pp. 6, 39, 40.

[2] Registrum Magni Sigilli, vol. iv. No. 3033. A daughter, Janet, is said to have married Andrew Fernie of Fernie; but for this no evidence has been found. In a letter by Sir William Scott of Balwearie, 1st April 1569, to this laird of Wemyss, he addresses him as his father [vol. iii. of this work, p. 68]. This could only be a marriage-relationship, and Sir William Scott's wife may have been this Janet, or another daughter, whose name has not been ascertained.

[3] Vol. ii. of this work, p. 202.

[4] Commissary Records of Edinburgh.

brought thence eighty old soldiers, with whom he took service under the Earl of Morton. Landing at Dundee in June 1571, he was instructed by Morton to bring over his soldiers to Dalkeith. He reached Kirkcaldy with them, and embarked there in two crears or small vessels to cross the firth. On the passage they were pursued by four boats sent by the queen's party then holding Edinburgh, and one of Wemyss's boats, containing his lieutenant and twenty-five soldiers, was taken. The other boat, however, in which were himself and the greater part of his men, landed safely at Aberlady, whence the captain marched to Dalkeith. Three days later he assisted the Earl of Morton in a skirmish with the citizens of Edinburgh, and forced them to retire within their gates, but pursuing the fugitives too hotly Wemyss was mortally wounded at the Nether Bow, and fell into their hands. He died of his injuries ten days later.[1]

3. Duncan Wemyss, to whom and his mother, Elizabeth Towers, the laird on 1st February 1548-9, gave a lease of an acre of land, called St. Katherine's land, for their joint lifetime; also of the kirkland and kirktoun of Easter Wemyss, on the same day, both of which he ratified in the following month of October. Previous to these leases the laird had, on 23d March 1544, come under obligation to warrant a salt-pan to Elizabeth Towers. Duncan is also named as a witness to the making of his father's will at Elcho in 1572, and in 1593 he witnessed, at West Wemyss, a discharge of tocher, paid by his brother David, to James Colville of Easter Wemyss.[2]

4. James Wemyss, who on 20th March 1549-50 was appointed to

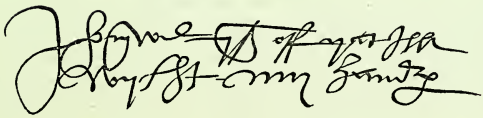
[1] Diurnal of Occurrents, pp. 182, 222, 225; Bannatyne's Memorials, pp. 47-50, 170-172; Calderwood, vol. iii. pp. 97-100.

[2] Old inventories and papers in Wemyss Charter-chest; vol. ii. of this work, p. 203.

the parish clerkship of Dysart. In the letters of collation he is called son to John Wemyss of that ilk.[1]

5. John Wemyss, who was witness to the infeftment of James Robertson in an annuity from the lands of Wester Newton, on 9th November 1594, and is there called brother-natural to David Wemyss of that ilk.[2]
6. Katherine Wemyss, called in the laird's will, "his dochter-naturall." He bequeathed to her a legacy of 500 merks.[3]

[1] Old inventory in Wemyss Charter-chest. [2] Instrument of Sasine, *ibid.*
[3] Vol. ii. of this work, p. 202.



Seal and Signature of John Wemyss of that Ilk, 1554.

XIII.—David Wemyss of Wemyss.

Cecilia Ruthven, his wife.

1572—1597.

David Wemyss, who next succeeded, was probably born in or about 1535. He must only have reached his majority when in 1556 he was married to Cecilia, daughter of William, second Lord Ruthven. Her father being dead, the terms of the marriage were arranged with her brother Patrick, Lord Ruthven, who gave with her 3000 merks of dowry. Sir John Wemyss was to infeft his son and daughter-in-law in the lands of Balhepburn and Ardargie, and the baronies of Wemyss and Elcho, and provisions were made for the daughters of the marriage if there should be no heirs-male. Some remote consanguinity rendered it necessary to obtain a papal dispensation, and the possibilities of a divorce were to be obviated by the same means. The marriage was to take place before midsummer of the same year, which it apparently did.[1]

Owing to his father's frequent ill-health David Wemyss had to take his place in military service, a dispensing letter from the crown being procured for that end. One such occasion was the assembling of the Scottish army on Fala-moor in the beginning of October 1557 for marching against England. There had already been a period of unquiet on the Borders, and the laird of Wemyss had served with his men there for some time, aggravating his illness. Now war was declared by the queen-regent, and a general muster was ordered. The laird's personal services were dispensed with on condition that he sent his son David. The young laird must therefore have

[1] Vol. ii. of this work, p. 293.

accompanied the Scottish army over the Soutra hills to Lauder, thence to the Borders, where a good deal of skirmishing took place, but the only actions of note were an attack on the castle of Wark, and a battle fought at the foot of the Cheviots, in which the Scots were defeated with the loss of forty killed and about four hundred prisoners.[1] In 1559, when the Lords of the Congregation had taken the field against the queen-regent, they demanded the assistance of the laird of Wemyss, but agreed that his personal services might be performed by his son.[2] As the laird adhered to the queen-regent, the request was not complied with. In 1565, the laird had become so confirmed an invalid that he obtained a general dispensation from future service.[3] From that time David Wemyss, as a man "abill to sustene the pyne and travell of the weiris, raidis, and armeis," assumed the entire discharge of this part of feudal service. That he also discharged the judicial functions incumbent on his father may be inferred from the fact of his receiving in 1560 from Archibald, Earl of Argyll, Justice-general of Scotland, a joint commission to hold courts for the trial of criminals within the barony of Wemyss.[4] The raid which the young laird and his uncle, David, conducted against the Bruces of Airth, Clackmannan, Earlshall, and others, shows that the kin, friends, and servants of the house of Wemyss available for warfare were at least threescore persons;[5] but this incident has already been explained in the previous memoir. The only other matter in which during this period David Wemyss is mentioned as engaged was his serving on the jury of inquest at Dunfermline on 11th April 1566, for retouring John Melville of Raith to his paternal inheritance.[6]

[1] Vol. iii. of this work, pp. 10, 11; Illustrations of the reign of Queen Mary (Maitland Club), pp. 67-71; Historical Memoirs by Lord Herries, p. 31.

[2] Vol. iii. of this work, pp. 12, 13.

[3] Vol. ii. of this work, pp. 198, 199.

[4] *Ibid.* pp. 197, 198.

[5] *Ibid.* pp. 200, 201.

[6] Copy minute of court of regality of Dunfermline in Melville Charter-chest.

A few months after the death of his father, David Wemyss took steps to obtain feudal investiture in the Wemyss estates. On May 14th of the same year, 1572, he was served heir at Cupar to the deceased Sir John Wemyss in Wemyss-shire, Little Lun, Cameron Mill, Wester Tarvit, Wester Dron, Hill-Dron, and Tillybreak in Fife, also in Elcho, Balhepburn, Craigton, half of Ardargie, one-third of Strathardle, and the lands of Kinnaird in Perthshire, with the sixth-part of West Wemyss, purchased from Cunningham of Polmaise, and the superiority of Colliston.[1] This service was impugned in the Sheriff-Court of Fife, by Sir William Scott of Balwearie, because in the retour no reservation had been made of an eighteenth part of West Wemyss which, he alleged, belonged to him, and the charter of which, granted to him by his deceased father, Sir William Scott, in 1550, with relative sasine in 1552, he produced, threatening the jury with proceedings for wilful error.[2] David Wemyss, however, demurred to the claim put forward by Scott, though he delayed taking formal infeftment in the lands until November.[3] Scott thereupon raised an action before the Lords of Session for reduction of the retour, but the matter appears not to have been further pressed at the time.

It may have been this opposition on the part of Scott of Balwearie, or perhaps a more direct threat of raising the question of his right to the succession, that induced David Wemyss, with his brother and sisters, to institute proceedings for annulling the divorce that had taken place between their father and their mother, Margaret Otterburn. Among the reasons stated in their appeal was the danger of their being declared illegitimate, and so prevented from inheriting the property of their father and mother. They state,

[1] Vol. ii. of this work, p. 203.

[2] Protests, dated 19th and 20th May 1572, in Wemyss Charter-chest.

[3] Instrument of sasine, dated 9th November 1572, *ibid.*

indeed, that they had but a few days previously had their suspicions aroused as to the formality and legality of the deed of divorce, and they were not yet certain that these were well founded, while they allege the priest who pronounced the sentence had no jurisdiction in such a case; but the inquiry was not made until the opposition of Scott was commenced. What followed on the appeal has not been ascertained; but the succession of David Wemyss, as the eldest son of Margaret Otterburn, was not further disputed.[1]

The day following his being served in the barony of Wemyss, David Wemyss was retoured heir at St. Andrews to his grandfather, David, in the lands of Methil and Pirny. To these lands his father, Sir John Wemyss, made no formal entry, as they were the conjunct-fee lands of Mariota Towers. But her holding was now turned into one of liferent and free tenement.[2] He was also infeft in the lands of Kilmux and Innerleven, acquired by his father,[3] and then he resigned the whole into the hands of the superior, John Douglas, archbishop of St. Andrews, for a regrant to his son and heir, John Wemyss, whose marriage with Margaret Douglas, daughter of William Douglas of Lochleven, he had just arranged. The archbishop, in granting the charter to John Wemyss and his future spouse, erected the lands of Methil, with its grain and fulling mills and mill lands, Hill and Pirny, the superiority of Innerleven, and two parts of Little Kilmux, with the office of bailie and keepership of the Water of Leven, to which was attached the duty of every ninth fish caught therein and other fees, into the BARONY OF METHIL, but reserved the liferent of Mariota Towers in Methil and Pirny. Sasine was to be taken on the lands

[1] Vol. ii. of this work, pp. 208, 209.

[2] *Ibid.* pp. 206, 207.

[3] Instrument of sasine, dated 10th November 1572, and precept of clare constat by John, archbishop of St. Andrews, dated 20th September 1572, in Wemyss Charter-chest. On 8th November, the same year, the archbishop appointed John Wemyss in Aberdour procurator for the laird of Wemyss in his causes [*Ibid.*].

of Methil, and the annual reddendo was £5 Scots and three suits of court at St. Andrews.[1]

From the provost and prebendaries of Trinity College, Edinburgh, David Wemyss also obtained a lease of the teinds of his lands of Wester Wemyss for nineteen years, and a precept for his infeftment in the kirklands and kirktown of Easter Wemyss.[2] Soon after obtaining sasine in his lands, David Wemyss granted a charter in his wife's favour of Easter or Wemyss Elcho, Balhepburn, Craigton, and half of Ardargie as her liferent portion, which he was bound to do in fulfilment of their marriage contract.[3] There were also the terces of two widows to be paid out of the estates, viz., to Mariota Towers, which had been commuted by Sir John Wemyss for the sum of two hundred merks yearly, and to Janet Trail, the widow of Sir John. That due to the latter, however, David Wemyss compounded for in the year 1575 by the payment to the lady of £1000 in full of all terce and conjunct-fee lands due to her, or any otherwise by contracts.[4] Yet, notwithstanding these burdens, this laird redeemed various portions of his inheritance from encumbrances, and also added to it by purchase. He bought Ballomill from William Rankeillor, who was in possession of it so early as 1526, and who, after the sale had been effected, obtained a licence from the Regent Morton to dispose of it thus, as it was held of the Crown.[5] In the same year he acquired Newton of Markinch by purchase from George Moutray of Seafield;[6]

[1] Charter, dated 18th April 1574, in Wemyss Charter-chest.

[2] Lease, dated 10th July 1574; and precept of sasine, 11th April 1575, Charters of the Collegiate Churches of Midlothian, pp. 133, 134.

[3] Registrum Magni Sigilli, vol. iv. No. 2138. Among the witnesses named are James Wemyss of Bowhouse, John Wemyss, the laird's "cubicular," and Cuthbert Robertson.

[4] Discharge by Alexander Trail of Blebo in name of his sister, dated at the Hall of the Wemyss 11th June 1575, in Wemyss Charter-chest.

[5] Charter, dated 24th February 1573-4, in Wemyss Charter-chest. Cf. vol. ii. of this work, p. 210.

[6] Registrum Magni Sigilli, vol. iv. No. 2354. To enable him to sell Newton, Moutray was obliged to obtain a licence from the Crown similar to that required by Rankeillor. [Licence, dated 14th November 1571, in Melville Charter-chest.]

cleared the lands of Hauch by payment of a mortgage of 500 merks upon them, and also the lands of Cameron Mill by payment of 400 merks, these last-named lands having been burdened to that extent to his brother-in-law, David Barclay of Collairnie, through defect of full payment of his sister's tocher.[1]

The Wemyss lands at Loch Gelly also appear to have been mortgaged by the late laird to Sir William Scott of Balwearie. In November 1575 David Wemyss obtained himself infeft in these lands,[2] and tendered the amount requisite for their redemption, but Scott refused to surrender the lands, and in consequence thereof was summoned by Wemyss before the Lords of Session.[3] Scott was thus probably compelled to resign them. A feeling of animosity appears to have existed between the houses of Wemyss and Scott during the greater part of this laird's time. Reference has already been made to a dispute between them in 1572, and when, in 1579, Sir James Scott succeeded his father, Sir William, in the lands of Balwearie, David Wemyss in his turn retaliated upon Scott by instituting a process for the reduction of his retour.[4] On a later occasion both summoned their friends to their aid over the removal of some turf from the lands of Balfarg, and the safety of the lieges being threatened, the Privy Council interposed with an order to Andrew, Earl of Rothes, then Sheriff of Fife, to reconvey the turf to the place from which it was taken and put it under arrest until it should be decided to whom it belonged. Both parties were also commanded to desist from convocation of the lieges or giving provocation to one another, under pain of being dealt with as troublers of the country.[5]

In another feud between somewhat more powerful neighbours,

[1] Old inventories in Wemyss Charter-chest.

[2] Instrument of sasine, dated 3d November 1575, *ibid.*

[3] Note of summons, dated 20th December 1575, in old inventory, *ibid.*

[4] Original note of papers, *ibid.*; vol. ii. of this work, p. 303. Cf. p. 160 of this volume.

[5] Register of the Privy Council, vol. iv. p. 8.

David Wemyss acted the part of a preserver of the peace, and evidently with success at the time. John Hamilton, commendator of Arbroath, and William Douglas of Lochleven, were at deadly enmity, and Wemyss, in the beginning of August 1576, hearing that Hamilton had reached Cupar on his way to Queensferry, and fearing that in his passage by Lochleven there would be bloodshed between him and Douglas, despatched a special message to the Earl of Rothes, urging him to intervene, and offering his services. The sheriff had already been active in the matter, and had communicated with both parties, being related to both, and had received assurance from Hamilton that he would not be the provoker of any engagement, but Douglas declined to give any promise. This caused Rothes much concern, owing to his connection with the parties, as but for this, he says, "I wald nocht speir thair caus, bot wald hesart my liyf with ony of tham." However, he arranged a meeting with Wemyss for the early morning, when by joining their forces and those of other barons whom Rothes had summoned, he hoped they would form an effectual restraint upon the would-be assailant.[1]

Wemyss, too, was now related to the Douglas family by the marriage of his son and heir in 1574 with Margaret Douglas, daughter of the laird of Lochleven. He was thus looked upon as a friend of the Douglases, and his aid expected in case of emergency. Unless, however, on the occasion just mentioned it does not seem to have been required for any but peaceful causes. In 1589 the laird received a letter from George, Earl of Huntly, requesting his attendance from the 4th to the 6th of February at the "serving of the Douglas of the lands of Angous and Mortoun," and to have his "awys and counsall in sic affaires as sall occur."[2] This was shortly after the death of

[1] Vol. iii. of this work, pp. 73-75; Register of the Privy Council, vol. ii. p. 605.

[2] Original letter, dated 31st January 1588-9, in Wemyss Charter-chest. Printed in The Douglas Book. By William Fraser, C.B., LL.D., vol. iv. p. 240.

Archibald, eighth Earl of Angus and fifth of Morton, whose two earldoms were divided, Angus to William Douglas of Glenbervie, and Morton to William Douglas of Lochleven; and the serving of both as heirs to the deceased earl may have taken place on the one day. David Wemyss was also requested by Lady Margaret Leslie, the countess of Archibald, eighth Earl of Angus, when 'pursued by her husband for a divorce, to accompany her before the Commissary Court at Edinburgh, and give her his counsel and help, assuring him that he would not be dishonoured thereby, in respect of her innocence. But this request may have been prompted by the long standing friendship between the houses of Wemyss and Rothes, to which the lady's father makes kindly reference in his letter to the laird about the Hamilton and Douglas feud, rather than by the relationship of Wemyss to the house of Douglas.[1]

For a considerable time a warm dispute raged between David Wemyss and the Boswells of Balmuto, respecting the marches of the Wemyss lands of Wester Raith, Powguild, and Glenniston, and the right of his tenants in these lands to the moor of Drumdonald. It had commenced in the time of Sir John Wemyss, who, in 1566, summoned David Boswell of Balmuto and his son John before the Lords of Session for molestation, but the matter appears to have been temporarily compromised. The circle of interested persons was now wider, embracing not only the lairds of Wemyss and Balmuto, but also James Colville of East Wemyss and William Douglas of Lochleven. The case had gone to law, an action of cognition being raised by Gavin Wemyss of Powguild against the two Boswells, for breaking ground within his bounds, and a counter claim being lodged by Boswell to the whole moor of Drumdonald west of the lands of Powguild.[2] Efforts, however, were made to obtain an amicable arrangement. A meeting

[1] Vol. iii. of this work, pp. 75, 84.

[2] 3d July 1573.—Noted in old inventories in Wemyss Charter-chest.

of the parties and mutual friends was arranged to take place on the moor on 24th November 1573, but only on the previous day David Wemyss received a letter from Colville stating that on his side the meeting could not take place there, as his kinsman, the laird of Cleish, was with the regent at Peebles, and the laird of Lochleven was detained in Edinburgh by pressing business; and asking him to send over to Edinburgh for consultation there either Mr. James Wemyss of Lathocker or some other of his friends. The laird of Wemyss, in evident annoyance at the receipt of such a missive, at once replied by letter, in which he says—

RYCHT HONORABLE SCHIR,—Eftir maist hartlie commendatioun, I resauit your wretting this Monunday, the xxiij of this instant, at vj howris at ewin, quhen I wes passand to my suppare, and thairby onderstandis ye may nocht keip tryst wpoun the mwire the xxiiij day of this moneth as wes appointit, becaus of the absens of the lairdis of Lochlewin and Cleisch, quha mycht nocht be lasaird to cum with yow. Schir, I think yowre excuis werraye resonable: yit, considering I dout nocht the samyne wes knaen to yow fowr or fywe dayes sene, I think yowr aduertisment came owr lait to me, quhen I haid trwblid my freindis, and put to thame trawell in ewill wodder, to hawe kepit that tryst. For gyff I heid herd ony inpediment quhairby I mycht nocht hewe kepit the tryst I suld hawe aduertissit yow fywe or sax dayis at the leist befoir to the effect that ye suld nocht hawe trublid yowr freindis in waist, as I hawe done myne at this tyme . . .

Previous communications between the friends of the parties had produced a basis on which a compromise was proposed. But as it dealt only with the marches of the laird of Wemyss's lands of Powguild, then occupied by his brother Gavin, he refused to proceed on that basis, unless the boundaries of the adjacent lands of Wester Raith and Glenniston were also determined at the same time. David Wemyss puts this as an ultimatum. In concluding his letter to Colville, he says,—

Gyf ye think it guid that it pas vpoun the merchis of the haill landis, debettable and dependand in proces, ye will aduertis me betuix this and the saxt day of Decembere nyxt to cum, to the effect that we maye caus freindis conwene at ane new day as

schortlie as we may; and giff ye will nocht that the compromitt pas vpoun the haill landis debettabill quhilk are depandand in process, bot onlie vpoun ane pairt thairof, I will tak it for ane discharge of this commoning of freindis that is begune. For I cane of na wayis find it guid, nor yit trow I will yowr seilf and yowr wyis freindis do, to dewyde the actioun and compromitt, ane pairt thairof to freindis, and laiff ane vthere part to be discussit be the law, the haill actiown and merchis debettabill being alltogidder dependand in a proces and in a precept. Remitting the raist to yowr aduertissment, for the quhilk I luik betuix this and the saxt of this nyxt moneth, and committis yow to the keping of God. At the Wemis, xxiiij day of Nowember, be yowris at power.[1]

To the same effect and at the same time the laird of Wemyss wrote to Boswell,[2] who replied that he had been placed in a similar case with his friends by a letter from the laird of Lochleven. Referring to the stand taken by the laird of Wemyss, Boswell says,—

Yowr vrettyng send to me declarit planle that ye, be the aduis of yowr frendis, aggreit to the compromit deuysit vytht this additione of the landis of Litill Reytht and Glennystone, allegeand the sammyn var questionall and dependent in proces, albeit indeid ve ar nocht yeit enterit in process. And alsua the landis of Litill Reytht and gudis tharof, as I am informit, cam nevir to that muyr. And in lik vayis, quhen Johne Betone had Glennyston in taik, and Powgould vas alsua sett to tenentes, the occupyaris of Powgould vald nocht suffir the gudis of Glennyston cum ovir Gelle born, quhil Dauid Kynnynmonth tuik beytht the tounis, quhay can nevir be satisfyit. Alvayis conform to yowr vrettyng, quhilk med mentione that geif ye raseuit na ansur befor the vi day of December, that ye vald accept that for ane discharg of forder commonyng and suyt the ordinare rameid of law, makand myself juge that it vas aganis yowr vill geif sua ver, quharof I mak the Lord God juge geif I desir to enter in the endles lawis vytht yow that awcht to be my mest speciall and gud frend. Alvayis I cuicht nocht mak yow ane resolut ansur of yowr desyris, quhil I haid aduysit vytht the lard of Estvemes, portionar vytht me of the laudis of Drumdonald, quhay havele complenis that I befor tuik porpois tharanent vytht your wmquhill father, by his or his predecessouris aduys, thay haifand als gret enteres to the landis as I haid. . . .

And after referring to the further proposed negotiations, he continues his entreaties to be spared recourse to the law. He concludes,—

Geif ve aggre nocht vpon frendis, I am content that the mater be tryit be the

[1] Original draft in Wemyss Charter-chest.

[2] Vol. iii. of this work, p. 70.

lawis, albeit the sam be sar aganis my vill, becaus, prysit be God, I haif na thing ado presentle in the lawis, and desyris nocht to enter vytht yow tharintill. Prayand yow heirfor, seyng ye haif drivyne sa lang tyme, that ye vill now contenw the mater to ane schort day, and send owir sum of your frendis, as said is. And fynelle, send me in writ your vter ansur that I may prouid thareftir. Referrand the rest to yowr visdom, I commit yow to God. Of Balmowto, the secund of December 1573, be your assurit, geif ye ples. DAUID BOSSWELL of Glasmont.[1]

The laird of Lochleven also wrote to David Wemyss to agree to a settlement on the former basis,[2] but he declined, and for the time further negotiations were dropped.

If this dispute was settled, another feud had arisen between the same parties by 1583, when no longer the moor of Drumdonald, but the right of fishing in Loch Gelly was the subject of discussion. David Wemyss by a notary on 11th April of that year made a protest at Loch Gelly to the effect that the fishing by the laird of Balmuto there should not be prejudicial to the right of the laird of Wemyss to fish in the loch, and that neither Balmuto nor his servants should interfere with the servants of the laird of Wemyss in their fishing, and in token of the protest, the notary made interruption of Balmuto's fishing by drawing up his boat on the shore.[3] Both parties immediately flew to arms and with their respective friends prepared to defend their alleged rights. Information was conveyed to the Council, and by 15th April letters were issued commanding the attendance of Wemyss and Balmuto at Edinburgh on the 24th. This induced mutual friends to interfere, and a compromise was arranged prior to the final settlement of the matter by arbitration. All convocation of the lieges or troubling of one another was prohibited by the letters under certain penalties. But notwithstanding this, in the following month of May, David Wemyss sent his eldest son with six score armed men to the loch, on the south side of which they built a fort, dug ditches round it, stored it with men and munitions of war, and then launched a boat on the loch. It is alleged

[1] Original letter in Wemyss Charter-chest. [2] Vol. iii. of this work, p. 72. [3] *Ibid.* p. 78.

that after this was done letters were privately purchased of the king, whereby both parties were commanded to disperse their forces, and allow all things to remain as they were at the date of the letters. Balmuto appears to have made an attack upon the fort erected by the laird of Wemyss, and an effort was made to construe this into an act of disobedience. But in respect that these letters were said to have been obtained by circumvention, and that the state of matters had been materially altered between the date of the former and the latter mandate, a new charge was issued by the king and council to both Wemyss and Balmuto to attend upon them on the 8th June, and meanwhile maintain things in the condition they were at 17th April.[1]

In view of the hearing of the case by the king and Council both parties used all their efforts to fortify their respective claims by engaging influence at court. Robert Pitcairn, commendator of Dunfermline, had, it was alleged, declared himself for Boswell, but the treasurer, William, first Earl of Gowrie, was the nephew of the wife of the laird of Wemyss, and indicated his intention of watching the case in their interest, and referring to the abbot of Dunfermline, he says, "It salbe sene quhethir I or he ma do maist." Another of the friends of David Wemyss at court was James Stewart, Lord Doune, whose daughter the eldest son of the laird of Wemyss had recently married as his second wife. He wrote informing the young laird, his son-in-law, of the progress of events, mingled with counsel to keep his purposes secret, as he had credible information that not a word was spoken in Wemyss which was not repeated in Balmuto almost as soon. Lord Doune was also able to assure the laird of Wemyss of the friendship of the treasurer-depute, Sir Robert Melville, who, though nearly allied to the Boswells, his brother having married the laird of Balmuto's sister, declared his determination to take part with the house of Wemyss, in compliance

[1] Register of the Privy Council, vol. iii. pp. 571, 572.

with the death-bed injunctions of both his father and grandfather, that whatever might be the cause, none of the house of Raith should come against the house of Wemyss; a determination which he resolved to impart to his eldest brother and other relatives in order to their doing the same. And the young King James himself seemed prepossessed in favour of the laird of Wemyss. Amusing himself among his courtiers one Tuesday evening in May of the same year upon the Peel of Linlithgow, mimicking the feuds and disputes then existing in the country, on the laird of Dunipace bringing up the quarrel between the lairds of Wemyss and Balmuto, the king exclaimed, "Gar seik me ane guid kemp,[1] for I will fecht in that quarrell." "And quhilk pairt will your Majestie tak?" inquired Dunipace. "Be Sanct Marie," replied the king, "the laird of Weymes pairt." "Heir am I, then," says Dunipace, "the laird of Balmuto, fornentis yow." Melville, who told the story to Lord Doune, says the king and Dunipace then fell to, and having vanquished Dunipace, the king cried out, "Now I haue worrit yow, and sa will I ay."[2]

Perhaps the good-will of King James to the laird of Wemyss was owing to his having received a loan of money from him just about this time. In connection with this matter David Wemyss received three missives from the king in May 1583, by special messengers, each at the interval of a week, and each more urgent than the other. The laird wished personally to bring the money to the king, but the state of the royal exchequer forbade such delay, and he was commanded to give the money to the third messenger, or repair to Linlithgow himself with it forthwith.[3] It may have been this transaction which gave rise to the statement that Wemyss had purchased the king's letters of summons in his own favour against Balmuto, or they may actually have been obtained, as King James would be nothing loath to receive an acquittance of his loan on such terms.

[1] Kemp=a champion. [2] Vol. iii. of this work, pp. 79-82. [3] *Ibid.* pp. 20-22.

With the concurrence of both parties the hearing of the case by the king was delayed, and in December he urged them to render such a trial unnecessary by settling the dispute in a friendly way between themselves.[1] Submission to this course was recommended to David Wemyss by his friends, and he readily acquiesced, naming arbiters by whom the dispute might be arranged. Of this he informed Lord Doune by letter, so that the king might be acquainted with his willingness to meet the royal wishes.[2] In another letter to Lord Doune, which he wrote from Wemyss on the 11th of the same month, February 1583-4, he states that his nominees, the lairds of Collairnie, Colluthie, Pittencrieff, and Caskieberran, had met on the previous day in Kirkcaldy kirk, with those named by Boswell of Balmuto, viz., the lairds of Balwearie, Segie, Abbotshall, Halhill, and John Boswell of Boglillie, who came without any authority to agree upon anything, save only to crave that the laird of Wemyss would remove his boat off Loch Gelly to Wemyss, when Boswell would take his to the town of Lochgelly. The friends of the laird of Wemyss declined this, but they offered to take his boat to Little Raith if Boswell took his to Lochgelly, suggesting that both should be submerged at the loch-side until the dispute was settled. This was not accepted, however, unless Wemyss would make some satisfaction to Boswell for an offence which, says Wemyss, has not yet been committed, and Boswell's friends withdrew, consenting to renew the meeting on the 17th.[3] In August 1586 it was still unsettled, and the laird of Lochleven interposed to make peace on the footing of giving each an equal right to the loch. But this was somewhat indignantly declined by Boswell "in respect," says he, "that the laird of Wemeis rycht and possessioun that he pretendis is na thing lyk unto myne, the quhilk at lenthe salbe knawin be Goddis grace nocht to his contentment, nor zit to thairis that will fortefye him into that

[1] Vol. iii. of this work, p. 22.

[2] *Ibid.* pp. 82-84.

[3] Original draft letter in Wemyss Charter-chest.

wrangous actioun."[1] Eventually a settlement was arranged by the mediation of James Meldrum of Segie, one of the Lords of Session, and others, and though at least twice afterwards in this laird's time there were murmurings of discontent and threatenings of something worse, these were timeously appeased, and the dispute terminated.[2]

David Wemyss does not seem to have taken a decided part with any of the rival political parties of his day, contenting himself with maintaining a loyal bearing to the Crown amid the frequent changes at court. After the Ruthven raid, in which his kinsman, the Earl of Gowrie, had the chief concern, he was summoned to attend the king at Holyrood, with his friends and retainers, on account of a threatened movement of the Arran faction.[3] But his services do not seem to have been required. It was also during the supremacy of the Ruthven raiders at court that the king favoured this laird of Wemyss by taking a loan of money from him.[4] His eldest son received another command in April 1584, to attend the king at Stirling, which had been taken possession of by several of the Ruthven raiders in a renewed attempt to overthrow Arran, but probably on account of the flight of the insurgents a dispensation to remain from the host was given the young laird.[5] Such a dispensation must have proved a grateful relief to David Wemyss and his son, as they were thereby spared taking part in measures which terminated in the execution of their relative, the Earl of Gowrie. This earl, since the overthrow of his party in July 1583, had been estranged from the king, and though continuing in

[1] Registrum Honoris de Morton, vol. i. pp. 147, 148.

[2] Cf. Register of the Privy Council, vol. iv. p. 818. Vol. ii. of this work, p. 305. Also original letter from John Boswell of Balmuto, 21st June 1596, to John Wemyss, fiar of Wemyss, in reference to march holes made by him and the laird of Caskieberran without proper consent, which he promised would be restored to their former condition, and also requesting a day to be fixed for settling their marches, in Wemyss Charter-chest.

[3] Vol. iii. of this work, p. 20.

[4] *Ibid.* pp. 20-22.

[5] *Ibid.* p. 23.

the country, did so on such precarious conditions that he at length resolved to go abroad. Just at this juncture the attempt was made by his friends to regain their lost power, and he delayed his departure to ascertain the issue. Their overthrow was followed by his arrest at Dundee. In view of his departure abroad Gowrie appears to have consigned a number of his effects to the keeping of David Wemyss, who placed them in his castle of Elcho, and the inventory of these being discovered among the escheated effects of the executed earl, the laird of Wemyss was commanded to deliver up the goods placed in his care.[1] Probably the servants of David Wemyss at Elcho had shown praiseworthy fidelity to their master's honour and trust, and had resisted previous applications for these goods by John, Earl of Montrose, the treasurer, as at the meeting of Privy Council a few days before the above command was issued, the laird of Wemyss was required to give caution in 500 merks, that he would produce Andrew Lyell, his grieve in Elcho, and John Justice there, within six days after being warned to do so.[2]

Another cautionry this laird undertook was the means of his being required to enter himself in Blackness Castle as a prisoner. He had become surety for Alexander, Lord Home, in a contract between the latter and William, Earl Marischal, and for its nonfulfilment was ordered to ward himself in the castle of Inverness. But he fell sick of "ane grevous and dolorous disease in his body," so that he could not travel so far without endangering his life, which being represented to the king and council, they changed his place of ward to Blackness.[3] Presumably for a similar reason of bodily weakness, David Wemyss, with his wife and others, obtained royal dispensations to eat flesh during Lent, in the years 1573 and 1578.[4]

During his lifetime David Wemyss had to receive and entertain at

[1] Vol. iii. of this work, pp. 23, 24.

[2] Register of the Privy Council, vol. iii. p. 676.

[3] Vol. iii. of this work, pp. 24, 25.

[4] *Ibid.* pp. 16, 18.

his castle of Wemyss a number of prominent borderers, who were committed to the care of the well-affected barons of the realm as pledges for the good behaviour of their kinsmen. The penalty for permitting any one of these to escape was £2000, and the laird was threatened with being mulcted in this sum for not producing Lancy Armstrong, of Whitehaugh, a borderer who had been intrusted to his father, but had been liberated on granting his bond. Wemyss pleaded that he should not be held responsible, but the Council, on 18th August 1573, decreed otherwise, and a month was allowed him and other defaulters to produce their pledges.[1] Meanwhile the Regent Morton proceeded to the Borders to reduce the turbulent spirits there to obedience, and Armstrong either returned or was brought back to Wemyss Castle, as in February 1574-5, the laird received the regent's permission to allow his "pledge" to go home for twenty-six days.[2] The laird of Whitehaugh was afterwards exchanged for Ringan Armstrong of Twedane, and he again in 1576 for Archie, the second son of Lancy, who remained with David Wemyss for nearly three years, when he was required to enter ward in Falkland Castle.[3] In 1587, however, Wemyss Castle was once more made the domicile of the pledge of the Armstrongs of Mangertoun and Whitehaugh, in the person of another Archie Armstrong, who was distinguished among his kin by the appellation "son of the laird's Johnne," and whom Lancy Armstrong, laird of Whitehaugh, recommends to the keeping of David Wemyss as being his "neyr cowsein, and my wyfis brother sone." "Ressaif hyme," he writes, "in my plais, and entreyt hyme as ane of my awine bayrnis, and I sall stand chardge for hyme to you."[4] Archie appears to have found his confinement to restricted quarters irksome, and made his escape, within a few months, as in the following March, David Wemyss was

[1] Register of the Privy Council, vol. ii. p. 272.
[2] Vol. iii. of this work, pp. 16, 17.
[3] *Ibid.* pp. 17-19.
[4] Original letter, 9th November 1587, in Wemyss Charter-chest; cf. vol. iii. of this work, p. 25.

ordered to appear before the Council to show cause why he should not be found liable for the penalty.[1] Such at least is the import of the minute of Council, though only two days previously the king had addressed a letter to the laird of Wemyss, commanding him to exchange Archie for John Armstrong, son of the laird of Whitehaugh, and allow the former to pass home at his pleasure.[2] If Archie did escape, this letter was a fortunate and timely cover to the laird of Wemyss.

Other Border pledges intrusted to David Wemyss were John Graham of Stobohill, in 1587, and at a later period, Andrew Johnstone, son of Cristie of Mylnbank, as pledge for that branch of the Johnstones, and Jock Johnstone of Brumell, as pledge for the "gang of Brumell and Elscheschelis." In the case of the two former, the laird of Wemyss was informed that their custody need not be "strait," as they had found caution not to escape; but, at the same time, the laird is reminded of his liability in the penalty of £2000 if they should escape.[3] Some such plea was put forward by David Wemyss when required by the Council, under pain of rebellion, to produce his last Armstrong pledge. He was unable to do so, alleging that he had only been required to entertain the man, and had not been enjoined to prevent him escaping. He undertook, however, "to do his diligence for the entrie of the same plege," and the case was continued for a fortnight, to enable him to do so, when he seems to have satisfied the Council.[4]

On the occasion of the marriage of King James the Sixth to the Princess Anne of Denmark, the laird of Wemyss was summoned to a preliminary meeting of the Estates, to be held at Edinburgh, on 24th April 1589.[5] In the following month he was appointed Convener of the county of Fife, for the purpose of convening the freeholders of the

[1] Register of the Privy Council, vol. iv. p. 258.
[2] Vol. iii. of this work, pp. 25, 26.
[3] *Ibid.* pp. 25, 32–33.
[4] Register of the Privy Council, vol. v., pp. 1, 740.
[5] Vol. iii. of this work, p. 28.

shire for the election of commissioners to represent them in a parliament to be held at Edinburgh on 2d October. The act of Council making this appointment required the conveners to report results by 15th August, under pain of rebellion.[1] The laird of Wemyss himself appears as member of parliament in 1596.[2]

Although not specially mentioned, David Wemyss of that ilk was probably present in Edinburgh, with the rest of the Scottish barons, during the festivities of the king's marriage, in the beginning of May 1590. James and his queen had been accompanied to Scotland by a number of distinguished Danes, and the king endeavoured to provide that they should experience the most generous Scottish hospitality in their progress through the country. He wrote to the laird of Wemyss instructing him to receive and entertain them for one night, Monday, the 11th of May.[3] From the selection of Wemyss Castle from among the neighbouring baronial residences for this honour, it may be inferred that it was held in no inconsiderable repute, a conclusion which is emphasised by the frequency with which it was made a resting place by the kings and queens of Scotland on various occasions, some of which have been already noticed. Moysie relates that in June of the following year King James was in Wester Wemyss, when the Earl Marischal, who was in disgrace, came to make his peace with the king, and was sent prisoner to the castle of Edinburgh.[4]

The hospitality of Wemyss Castle was also sought by others as occasion demanded. Patrick Adamson, archbishop of St. Andrews, in the autumn of 1582, having crossed the Forth at Kinghorn alone, and no provision being made for his conveyance to St. Andrews, sent for a convoy to Wemyss Castle to the laird of Wemyss, as one to

[1] Register of the Privy Council, vol. iv. pp. 384, 385. The freeholders of the county were required to pay the expenses of their parliamentary representative, seeing it freed them from the feudal duty of giving personal attendance.

[2] Acts of the Parliaments of Scotland, vol. iv. p. 97.

[3] Vol. iii. of this work, p. 23.

[4] Moysie's Memoirs, p. 86.

whom he was always ready to resort.[1] The same archbishop and the laird only two years previously had been engaged in a lawsuit on opposite sides. Mr. James Wemyss of Lathocker had obtained service of himself as heir to the office of constable of the castle and town of St. Andrews, which had been granted to his great-grandfather, John Wemyss of Kilmany, by Henry Wardlaw, bishop of St. Andrews, in 1440, when he married Janet Wardlaw, the bishop's niece.[2] Archbishop Adamson impugned the documents on which the service was based, alleging them to be forged, and cited "the gud man of Lathokar" before the lords of Session to prove the authenticity of the writs. The laird of Wemyss strongly supported his kinsman, but before coming into court, a meeting of mutual friends was arranged to discuss the matter. The office was one of considerable importance, but it is probable the Wemysses had allowed the exercise of it to fall into abeyance, and the archbishop, deeming "it hurt and dishonour to be abusit in ane office of sick consequens, quhilk," he says, "their predecessours hes nocht bruikit, and quhairof, I se na autentik ground," was not prepared to yield the point.[3] Very probably the dispute was compromised and the office yielded up to Adamson for some consideration, as it never seems to have been possessed by the Wemysses, at least subsequent to this date. The terms of the archbishop's letter to the laird above referred to, point to an amicable arrangement of the matter.

Among the other public events of this period the laird of Wemyss was drawn into the feud between the Earls of Athole and Huntly, which arose out of the slaughter by the latter of the "bonnie Earl" of Moray at Donibristle. The kinsmen of the murdered earl cried to the king for justice against Huntly, but finding unwillingness to take

[1] Vol. iii. of this work, p. 77.

[2] Registrum Magni Sigilli, vol. ii. No. 244, cf. p. 65, *antea*.

[3] Letter, Patrick, archbishop of St. Andrews, to [the laird of Lochleven ?], 24th March 1579-80, requesting his presence on his behalf at the meeting at Cupar on the last day of the month. Registrum Honoris de Morton, vol. i. p. 121.

action in that quarter, Andrew, Lord Ochiltrie, stirred up the friends and dependants of the house of Athole, causing them to subscribe a band obliging them to concur for the revenging of the murder when occasion should offer. David Wemyss of Wemyss was one of these, but there is no indication that he was ever involved in any hostilities on that account. Indeed, the king heard of the band within a few days, and probably, with his Council's aid, rendered it nugatory.[1]

Another incident was the participation of the laird's kinsman, John Wemyss of Logie, with Francis Stewart, Earl of Bothwell, in an attempt to obtain an audience of the king at Dalkeith. The story has already been narrated,[2] but the laird of Wemyss and other members of the family were more or less concerned in it; for John Wemyss of Pittencrieff and James Wemyss of Caskieberran were both put under caution about this time to appear before the Council when required, while James Wemyss of Balquharg, son of Captain David Wemyss of Dron, and so cousin-german to the laird of Wemyss, was required to enter himself in ward between the rivers Irvine and Ayr by a certain day.[3] Mistress Margaret Vinstar, the heroic Danish lady who managed her lover's escape so adroitly, and whom her royal mistress declined to dismiss from her service, seems to have been soon compelled to leave the court, as was the case with her lover's sister. She, however, found a home at Wemyss Castle, for which David Wemyss was honoured by a grateful letter from the queen, who among the expressions of her high sense of the laird's kindness intimates her intention of bringing the matter to a favourable issue.[4] Whatever had become of Wemyss of Logie in the interval, he was again in Scotland in April 1594, and was required to take up his residence with the laird of Wemyss, the latter's eldest son becoming security in £2000 for his safe keeping. In September it was decreed that he should go abroad within a month, and securities to the

[1] Moysie's Memoirs, p. 92.

[2] *Antea*, pp. 62-64.

[3] Register of the Privy Council, vol. v. pp. 21, 141.

[4] Vol. iii. of this work, p. 31.

extent of £20,000 were taken to ensure this, but the order is marked as having been cancelled by the king's authority in the following February.[1] It must have been discharged even before that time, as Wemyss of Logie, and his fair preserver, were married some months previously. On 25th December 1594, a charter was granted under the great seal to John Wemyss, eldest son and heir of Andrew Wemyss of Myrecairnie, and "Margaret Weiksterne," his spouse, of the lands of Myrecairnie.[2]

Before the meeting of parliament in May 1592, King James summoned a meeting of the nobles and others in the previous month to arrange the business to be then transacted. Later in September of the same year the laird of Wemyss was summoned to attend the king on an expedition against the Borderers, who had resetted Bothwell after the attempt at Dalkeith.[3] The raid had been intended for September, but was postponed to the date mentioned in the letter to the laird, 10th October, for these reasons, that "'be the lang continewance of this stormie and unseasonable wedder' the crop and corns of the loving subjects he had ordered to accompany him are 'lying yit for the maist parte untane in,' so that 'thair personis may nocht be weill spairit fra the ingaddering and wynning thairof without thair hurte and hinder' (the corns of the said rebels being also 'for the maist parte in the same cais,' so that they 'can nocht convenientlie be tane sic ordour with as his Majestie intendit be this raid'), and as he finds, moreover, 'that the mone, now being in the wane, randeris the nichtis unmeit for service,' therefore the said muster is to be 'continewit to the tent of October nixt, quhen baith the saidis cornis may be stakkit and wyn in, and the mone lykwayes wilbe at hir full licht.'" As the king was at Jedburgh about the date prescribed, it is probable that the laird with his followers was in attendance on him there.[4]

[1] Register of the Privy Council, vol. v. pp. 141, 142, 144, 638.

[2] Registrum Magni Sigilli, Lib. xl. No. 15.

[3] Vol. iii. of this work, pp. 29-31.

[4] Register of the Privy Council, vol. v. pp. 13, 14.

Another service at which the king commanded the attendance of David Wemyss of that ilk was the baptism of Prince Henry on 18th August 1594. As the royal larder was inadequate to the demands likely to be made upon it a general levy was made upon the barons for its replenishing. The laird was requested to give a proof of his "affectioun and guidwill" by hastening into Holyrood "sic quick stuf as ye may haue in redynes and may spair." Venison and wild fowl are in special demand, but a postscript explains that these were only expected from the Highlands, and not from Wemyss, the letters sent to both places being similar.[1]

David Wemyss was also bailie of the river Leven, and in this capacity received a command from King James the Sixth to place no hindrance in the way of Andrew Wood of Largo fishing within his own bounds at the mouth of that river during the close season.[2]

In 1589 David Wemyss resigned all his lands into the hands of the king for a regrant to his eldest son, reserving his own liferent and his wife's terce of the same.[3] During his lifetime he mortgaged several portions of his estates. Among others, one of these mortgages was to Henry, Lord Sinclair, in 1580, for £600, for which his lordship was to draw as interest £54 yearly out of the lands of Wemyss. But Wemyss redeemed it in the following year.[4] Another mortgage was over the lands of Elcho, to the extent of 600 merks, and these being his wife's jointure lands, the laird and lady of Wemyss conjointly granted a charter of alienation to Alexander Grant, merchant burgess of Perth, and his wife, Catherine Mathow, by virtue of which they drew an annuity of £40 yearly from these lands.[5] Over the priory lands of

[1] Vol. iii. of this work, pp. 31, 32.

[2] *Ibid.* p. 27.

[3] Instrument of resignation, dated 8th March 1588-9 in Wemyss Charter-chest.

[4] Old inventories in Wemyss Charter-chest.

[5] Contract, charter of sale and reversion, dated at Elcho, 4th February 1587-8, in Wemyss Charter-chest. In the contract and charter the scribe styles the granter "Dño Dauid Wemys de eodem, miles," but evidently by mistake. In the reversion he is only called "the hoñole

Elcho David Wemyss succeeded his father as bailie and tacksman of the teinds.[1] In connection with the latter the laird of Wemyss was drawn into a lawsuit in 1582 by Mr. Andrew Moncrieff, then commendator of Elcho, who charged him and his assignee, Archibald Dundas of Fingask, with wrongfully uplifting the teind sheaves. But Wemyss produced his latest lease, some years of which were still unexpired, and judgment was given by the Lords of Session in his favour.[2] He himself instituted another suit in 1596 against Lawrence, Lord Oliphant and others, his tenants in the fishings of the lands and Inch of Balhepburn, belonging to the barony of Elcho, because they refused to quit possession when desired to do so in 1594.[3]

David Wemyss was also engaged to some extent in litigation with proprietors adjoining his other Perthshire lands. In or before 1577 he pursued John Robertson or Reid of Straloch, and Alexander Reid of Middle Downy, for spoliation, before the sheriff of Perth, who decerned in favour of Wemyss, and he in that year acknowledged receipt of part of the amount for which decree had been obtained. A year later he was able to give Reid a discharge in full, but at the same time John Reid became cautioner for Alexander Reid, his father's brother, for the payment of 300 merks to Margaret Wemyss, spouse of the said Alexander Reid.[4] This laird was also obliged to take pro-

Daud Wemis of that ilk." He never subscribes as knight, nor does the appellation occur in later charters, even though he appears in conjunction with his son, Sir John Wemyss, knight.

[1] Retour of David Wemyss as heir of Sir John Wemyss, his father, of the bailiary of Elcho, of a meadow there, of the 24 acres and of the Mains of Elcho and other lands, 7th October 1572: and discharges by Mr. William Moncrieff and Mr. Andrew Moncrieff to David Wemyss of that ilk, 1572, 1577, 1584, *ibid.*

[2] Decree by Lords of Session, 16th February 1582-3. *Ibid.* In his dying testament Sir John Wemyss directed his son David to convey to the Baron of Fingask all the writs he had belonging to the teinds of the Coittis. [Vol. ii. of this work, p. 203.]

[3] Summons of removing. 16th April 1596, *ibid.*

[4] Discharges, 31st May 1577 and 16th May 1578, also, act of latter date, in Sheriff-court books of Perth, noted in old inventories in Wemyss Charter-chest.

ceedings to protect his tenants in the half-lands of Kinnaird from molestation by the tenants of the bishop of Dunkeld, and procured letters of interdict to this effect, the sheriff of Perth being afterwards required to take cognition respecting the lands.[1] There is also a complaint by the laird to the Lords of Council of an armed raid by Robert M'Comie and Duncan M'Crechie in Glenshee, and others, upon his three-merk land of Spittell there, which, however, was successfully defended against the attack, and the intruders repelled. But as the attempts were renewed, Wemyss summoned M'Comie before the Privy Council, by whom, for non-compearance, he was adjudged a rebel.[2]

Reference has already been made to a feudal relationship between the laird of Wemyss and the Earl of Athole in connection with the murder of the Earl of Moray by the Earl of Huntly. The gift of the ward of the Moray lands and the marriage of the heir had been bestowed on Ludovick, Duke of Lennox, who assigned it to the Earl of Athole for 20,000 merks. Under a bond of relief from Athole, Wemyss became part cautioner for the payment of this sum, and on Athole's not paying, was sued for it by Lennox. Wemyss accordingly instituted proceedings against the Earl of Athole to enforce the observance of his bond of relief, and letters of charge were issued upon the earl. These proceedings were taken jointly by the laird and his eldest son, John, his second son, James Wemyss of Bogie, being also an interested party.[3] It will afterwards be seen that the laird of Wemyss had to pay the bond himself.

A feud which sprang up about the same time with the neighbouring house of Sinclair, through an assault to the effusion of blood on John Dalgleish, a servant of the young laird of Wemyss, was arranged in a more amicable way by arbitration, when Sir James Scott

[1] Letters, dated 14th August 1591, and 26th February 1591-2, noted in old inventories in Wemyss Charter-chest.

[2] Register of the Privy Council, vol. v. p. 162.

[3] Summons, dated 11th March 1593-4, in Wemyss Charter-chest.

of Balwearie, on behalf of Henry, Lord Sinclair, offered three hundred merks as an assithement. The affray, however, had evoked so much disorder in the district that the Privy Council interposed, and placed the principals of both houses under caution of 10,000 merks to keep the peace, although in the mutual agreement they had already pledged each other to do so.[1]

In the immediately preceding memoir reference was made to the unsatisfactory relations between the lairds of Wemyss and the family of Gaw of the Maw. David Wemyss obtained infeftment in his half of the lands of Maw in 1576,[2] which he sold to the possessor of the other half, Alexander Gaw, and his wife, Janet Brown, in 1587, for £266, 13s. 4d., under letters of reversion, and in the contracts then made it was arranged, among other things, that the boundaries between the two halves of Maw should be determined by certain parties named.[3] In 1596 Wemyss produced the decreet obtained by his father against Maw in the sheriff-court of Fife at Cupar, requesting a decree of transfer. He explained the cause of this procedure to be, that owing to his father's death he could obtain no benefit from the decree until it was transferred to him. Gaw did not compear, and the transfer was ordained to be made.[4] This appears to have been followed by the enforcing of the decree, for Gaw a few months later summoned the laird of Wemyss before the Lords of Session to compel him to cancel the letters of reversion granted by him. He alleged in the summons

[1] Vol. ii. of this work, pp. 216-218; Register of the Privy Council, vol. v. pp. 141, 142; Pitcairn's Criminal Trials, vol. i. p. 310.

[2] Instrument of Sasine, 20th January 1575-6, in Wemyss Charter-chest.

[3] Contract, dated 14th April 1587, and charter, with sasine thereupon, both dated 3d March 1588-9, also letters of reversion, dated 10th May 1593, with precept of sasine by James the Sixth, to Walter, prior of Blantyre, keeper of the Privy Seal, stating he had confirmed a charter by Alexander Gaw to his spouse, Janet Brown, of his lands of Maw, comprising thirty-three acres, which included both halves of Maw. These writs are all in Wemyss Charter-chest.

[4] Decreet of Sheriff-Court, dated 5th February 1595-6. *Ibid.*

that Wemyss had promised to cancel and return the reversion for the sum of £140, on the faith of which he sent his wife with the money to Wemyss in order to receive the fulfilment of the promise, but that the laird of Wemyss excused himself by representing that his hand was so sore he could not hold a pen to subscribe the discharge, nor could he with his own hand open the coffer containing the reversion. It was suggested that some one could get it for him, but he replied that he would not intrust the key of the box to any other person, and promised that he would do it as soon as he was able. Gaw adds that though often since required to discharge the reversion Wemyss refused, and will continue to refuse, until compelled. To this the laird responded by obtaining a decree from the Lords of Council, ordering letters of four forms to be served upon Gaw ordaining him to desist from using the moor of Wemyss, and to pay the sum of £4, 10s., the cost of the process of transfer, or enter himself in ward within the castle of Blackness.[1] This was probably effectual in closing the dispute at least for the time.

Another matter which Sir John Wemyss had left over for future settlement was the establishment of his right to the superiority of the lands of Balgrummo, Montflourie, and Bambeath, which he had purchased from Andrew Dunbar of Kilconquhar or Loche for 1000 merks. Dunbar died before the end of the year 1565, leaving a widow, Euphame Wemyss,[2] but no children, and his estates were inherited by the eldest of his four sisters, Janet Dunbar. She married William Adair in Altoun, and the Dunbar property was inherited by her daughter and heir, Christian Adair, from whom, in 1588, David Wemyss required the necessary infeftment in the superiorities by

[1] Summons at instance of Gaw, dated 25th June 1596; also decreet by Lords of Council and letters of four forms against Gaw, dated 17th July same year, in Wemyss Charter-chest.

[2] Perhaps Euphame Wemyss was the sister of David Wemyss, who afterwards married, in 1568, Mr. David Carnegie of Colluthie. If so, she could have been married to Dunbar only a very short time. The lady's liferent to the lands was reserved.

charter and sasine. Christian Adair, however, had postponed serving herself heir to her deceased mother in the lands, and an action was brought by Wemyss before the Lords of Council to compel her to do so, and fulfil her uncle's obligation. The lords decerned her to have done wrong in thus delaying, and ordained her to enter heir to these superiorities, and give infeftment to Wemyss as claimed.[1]

During the time of this laird the burgh of West Wemyss was the unfortunate doorway by which the country experienced a new visit of the plague. It had been raging in England, and precautions had been taken to prevent ships from infected ports conveying it to Scotland; but an infected barque entered the harbour of West Wemyss, and in a short time the pestilence raged not only in that town but all along the coast of Fife, causing great mortality.[2]

The status of the burgh of Wemyss was now becoming more recognised. In 1592 it ranked among its neighbours along the shores of the Forth as one where proclamation was ordered to be made at its market cross, of an Act warning seamen and others against killing the solan geese upon the Bass Rock.[3] It had its courts too, though sometimes serious cases were settled by friendly arbitrament. An instance of this is presented by a "Letter of Slains," preserved in the charter-room at Wemyss. It is dated at Wemyss, 20th March 1586-7. One of the burgesses, James Skadowie, had killed another indweller in the burgh, William Ferrar, in the previous month, not of intent, but suddenly, and in consequence of an attack having been made upon him. He consented to pay an assithement or compensation to the relatives of the deceased man, who are represented by his relict, Agnes Gray, and their daughter Elspet Ferrar; his father, William Ferrar; his two

[1] Decreet, dated 13th July 1588, with copy sasine of Janet Dunbar, as heir to her brother, dated 25th February 1565-6, in Wemyss Charter-chest.

[2] Register of the Privy Council, vol. iii. pp. 679, 695, etc.

[3] Acts of the Parliaments of Scotland, vol. iii. pp. 614, 615.

sisters, Janet and Isabel Ferrar; Richard Gray, his widow's brother, and Patrick Dunbar, her half brother, "being the wyfe, bairnis, and four brenchis of the said vmquhill Williame Ferrear, fader and mother syid," and they, acknowledging receipt of the money, bound themselves, for themselves and the rest of their kin, to forgive and remit the slaughter. The seal of James, Master of Sinclair, was obtained to authenticate the document, and it was attested by, among others, John Riche, bailie of Wemyss, and Robert Auchmoutie, brother of George Auchmoutie of that ilk.

David Wemyss of that ilk, like many other proprietors on the sea coast, carried on the manufacture of salt, and traded in it. There was a considerable export traffic carried on, which at one time threatened to stop the supplies necessary for home consumption, and the Privy Council deemed it necessary to restrict the export until the country itself was supplied. Then and then only it was to be lawful for the salt manufacturers to export salt, and that on condition that the exporters brought home for every chalder of salt six ounces of silver, which they were to deliver to the master of the mint on their return, at the rate of thirty shillings the ounce. To oblige himself to observe this agreement, David Wemyss, as master and owner of the salt pans of Wester Wemyss, five in number, was summoned to appear before the Privy Council at Holyrood, on 17th August 1573, and their minutes record the fact that he did so.[1]

While the Privy Council took this method of securing the double benefit of salt to the subjects and silver for the mint, the laird of Wemyss in a private transaction presents an illustration of the scarcity of the precious metals, and the care that was taken in dealing with money. John Wemyss, portioner of Craigfudie, had occasion to borrow a sum of money from his chief. In his acknowledgment the amount is stated to be composed of twenty crowns of

[1] Register of the Privy Council, vol. ii. p. 266.

the sun and thirty angels of gold, extending of weight to seven ounces, and two crowns of the sun, and he obliges himself to repay the sum in gold, and of the same weight.[1]

David Wemyss of that ilk died on 22d February 1596-7. He left no will, but an inventory of his effects was given up on 6th March 1600 by Gavin Wemyss, son of James Wemyss of Caskieberran, as executor-dative in place of the fiscal.[2] He had during his lifetime seen a number of his children married, and settled their portions, and several years before his death he also provided for his younger children, so that they might have "quyatnes, luiffe and cheritie amang thame selffis."[3] Cecilia Ruthven, lady of Wemyss, predeceased her husband on 8th July 1589, and an inventory of her personal estate was given up by him as lawful administrator to their younger children on 4th April 1595.[4]

Their children were six sons and five daughters:—

1. Sir John Wemyss of that ilk, of whom a memoir follows.
2. Sir James Wemyss of Bogie, ancestor of the family of Wemyss of Bogie, also of the families of Wemyss of Balfarg, and Wemyss of Condland, all in the county of Fife. He married Margaret, daughter of John Melville of Raith, in 1585, having formerly been infeft by his father in the lands of Bogie, Smetoun, Seafield, Tyre, and Newton Markinch, which he came under obligation to resign if through the death of his elder brother without male heirs he succeeded to the Wemyss estates. He survived till about 1640.
3. Mr. Andrew Wemyss, who received a charter of the half-lands of Newton Markinch, in the county of Fife, on 3d January 1576-7, and is mentioned in 1585 as having been infeft

[1] Letter of obligation, dated 31st August 1577, in Wemyss Charter-chest.

[2] Register of the Commissariot of Edinburgh.

[3] Vol. ii. of this work, pp. 213-216, 307, 308.

[4] Register of the Commissariot of Edinburgh.

therein. He was dead at that date, and it is probable that he is the son of David Wemyss referred to in the letter of Mr. John Wemyss, dated at the Castle of Champeaux in France, 1st May 1583, as having died on the way to France.[1] He left no issue, and his estate was inherited by his next brother, Patrick.[2]

4. Patrick Wemyss of Rumgay, ancestor of the family of Wemyss of Rumgay, afterwards of Craighall, in the county of Fife. He married Elizabeth Sandilands, who predeceased him on 2d February 1606. He died in June 1625. Rumgay was sold in 1658 to Mr. James M'Gill, minister at Largo.[3]
5. David Wemyss of Fingask, ancestor of the family of Wemyss of Fingask, in the parish of Dairsie, Fife.
6. Henry Wemyss, ancestor of the family of Wemyss of Foodie, in the parish of Dairsie, Fife. He lived until 1652, when Lamont chronicles his death in August of that year. "Old Fuddie, in Fyfe, depairted out of this life at his owne house in Fuddie."[4]

Their daughters were—

1. Margaret, who married, contract dated 5th April 1578, James Beatoun of Creich. She survived her husband, dying at Dunbog in September 1636, leaving issue.[5]
2. Jean, who married, contract dated 18th April 1578, James M'Gill of Rankeillor. They received a charter under the great seal of the lands of Auld Lindores on 29th July 1587. Her tocher was 3000 merks.[6] They had issue.

[1] Inventory of Melville Charters; vol. ii. of this work, pp. 77, 78; cf. vol. iii. of this work, p. 215.

[2] Inventory of Melville Charters in Melville Charter-chest.

[3] Commissary Records of Edinburgh and St. Andrews; Lamont's Diary, p. 106.

[4] Lamont's Diary, p. 46.

[5] Commissary Records of St. Andrews; vol. ii. of this work, pp. 301, 302.

[6] Registrum Magni Sigilli, Lib. xxxvi., No. 412; vol. ii. of this work, p. 304.

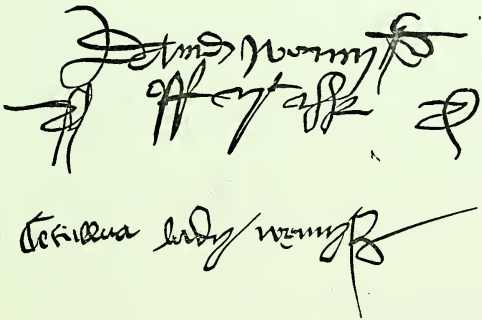
3. Cecilia, who married, first, in 1585, Andrew Kinninmonth of that ilk, and carried with her a tocher of 4000 merks.[1] After his death she married William Learmonth of Clatto, contract dated 4th December 1596.[2]
4. Elizabeth, who married, contract dated 1st August 1597, Alexander Wood of Lamlethan, her tocher being an annuity of 600 merks due by James Colville of Easter Wemyss on a loan of 6000 merks to which her father made her his assignee.[3] She was previously contracted, on 9th June 1587, to be married to James, the eldest son and heir of James Colville of Easter Wemyss, and failing him to his next younger brother, Robert. But the contract was never fulfilled.[4]
5. Isobel, who married John Auchmoutie of that ilk.

[1] Discharge by Andrew Kinninmonth of that ilk for same, 31st May 1588, in Wemyss Charter-chest.

[2] Vol. ii. of this work, p. 309.

[3] *Ibid.*

[4] Original in Wemyss Charter-chest.



XIV.—Sir John Wemyss of Wemyss.

Margaret Douglas (Lochleven), his first wife.

Mary Stewart (Doune), his second wife.

1597—*c.* 1622.

When his father died, in 1597, Sir John Wemyss had already been for some years in possession of the family estates as fiar. He was probably born in the latter end of the year 1557, and would thus be only in his eighteenth year when, in 1574, he married the daughter of William Douglas of Lochleven, afterwards sixth Earl of Morton. The terms of the marriage contract were arranged at St. Andrews on 17th April, and on the following day the Archbishop of St. Andrews granted to John Wemyss and his future spouse the lands of Methil, which, with others in the vicinity, and the office of bailie of the river Leven, his father had resigned for the purpose, and as stated in the previous memoir, these lands and that office were united and erected into the barony of Methil.[1] As formerly explained, Methil was still at this time in the possession of Mariota Towers as her liferent portion; so in warrandice thereof David Wemyss granted to his son and future daughter-in-law the lands of Tillybreak, Little Lun, and Cameron-mill.[2] From the lands of Tillybreak, in the parish of Markinch, Sir John Wemyss derived the designation "Sir John Wemyss of Tillybreak," by which he was known during his father's lifetime, though he is also styled "younger of Wemyss."[3]

About two years prior to the date of his marriage, John Wemyss was the recipient from King James the Sixth of a gift of the non-entry

[1] Original charter in Wemyss Charter-chest.

[2] Vol. ii. of this work, p. 301.

[3] *Ibid.* p. 219; Registrum Magni Sigilli, vol. iv. No. 2468.

duties of all his father's lands from the date of the death of his grandfather, Sir John Wemyss, which was in January of the same year, 1572, until the entry of the heir, his father.[1] Another gift which the king bestowed upon the young laird of Wemyss, some time later, in 1581, was the escheat of Mr. William Lumsden, parson of Cleish, who was put to the horn for non-compearance to take his trial for fabricating and forging a contract, and for other crimes.[2]

His first wife having died without leaving issue, John Wemyss married, as his second wife, Mary, daughter of Sir James Stewart of Doune, afterwards first Lord Doune. The terms of the contract were arranged at Wemyss in August 1581, it being provided that the marriage should take place before 25th December of that year. Sir James Stewart gave with his daughter a tocher of 8000 merks, for payment of which there were four securities in 2000 merks—viz., Patrick, Lord Lindsay of the Byres, James Stewart, Lord Innermeath, James Lindsay of Dowhill, and Archibald Stewart, burgess of Edinburgh.[3] A further requirement was the resignation of certain lands by the young laird and his father, and this was followed by a charter from Patrick Adamson, archbishop of St. Andrews, to John Wemyss and his spouse, Mary Stewart, of the barony of Methil, as formerly granted. A duplicate charter granted at the same time contained an additional provision, that in the event of the barony falling into the superior's hands by reason of non-entry, or ward and relief, it should continue to be peaceably possessed by the grantee's heirs during such period for the payment of £40 Scots at the two annual terms. John Wemyss, and his heirs or assignees, were also appointed patrons of the rectory and vicarage of the parish church of Methil.[4]

John Wemyss took a prominent part in connection with the

[1] Letter of gift under privy seal, dated at Leith, 6th July 1572, in Wemyss Charter-chest.

[2] Vol. ii. of this work, pp. 211, 212.

[3] Vol. ii. of this work, pp. 303, 304.

[4] 6th September 1582. Vol. ii. of this work, pp. 304, 305.

disputes between his father and certain of their neighbours. As narrated in the previous memoir he headed the armed band of Wemyss men who, in the course of the fishings dispute with the Boswells of Balmuto, built a tower on the shore of Loch Gelly, and under its protection launched their boat on the loch. It was with him, too, that William, Earl of Gowrie, and James, Lord Doune, communicated as to the proceedings at court respecting this dispute. He also probably took his father's place as occasion required in the service of the crown, and on one occasion a licence was granted to John Wemyss to remain at home from the royal host at Stirling.

He was also embroiled in disputes on his own account. One such was a disagreement with his first wife's uncle, Sir George Douglas of Rumgay, afterwards of Helenhill, which became so threatening that the Privy Council placed both under caution of 10,000 merks each to keep the peace towards one another, Sir James Scott of Balwearie and William Scott of Abbotshall, becoming sureties for Douglas, and John Wemyss of Pittencrieff with the laird of Brackmonth being sureties for Wemyss.[1] Another quarrel was with John Hamilton of Drumry, respecting which the council pursued the same plan, by obtaining David Wemyss of Dron as a security for John Wemyss, and Michael Nasmyth of Posso for Hamilton, each in £2000, that neither should harm the other.[2] And John Wemyss was in his turn surety for several of his kinsmen at various times, including John Wemyss of Logie, John Wemyss of Pittencrieff, James Kinninmonth in Glenniston, and also for Simon, Lord Lovat, when with other landed proprietors in and adjoining the Highlands and Islands, that northern baron was required to find cautioners for the maintenance of good rule.[3] After he became laird of Wemyss he had also a feud with Patrick, commen-

[1] Register of the Privy Council, vol. iv. p. 16.

[2] *Ibid.* p. 68.

[3] Register of the Privy Council, vol. iv. p. 359; vol. v. p. 141, 142, 144, 620, 691, 736; vol. vii. p. 654.

dator of Lindores, respecting which, in 1598, a truce was agreed upon for a month, during which hostilities were suspended.[1]

David Wemyss of that ilk, this laird's father, having a large family to provide for, did so during his own lifetime. He put his eldest son in possession of the family estates as fiar, by making resignation of his lands into the hands of King James the Sixth,[2] who regranted them to John Wemyss, apparent of that ilk, by a charter under the great seal. This charter contains a new constitution of the barony of Wemyss, including, in addition to the lands erected into the old barony of 1511, and the free burghs of barony of Wemyss, Kirkhill of Kirkmichael, Ballinkillie, and Ballinald, also then erected, the lands of Little Raith, Powguild, and Glenniston, half-lands of Maw and Colliston, with castles, etc., and the patronage of the rectory and vicarage of the parish church of Kirkmichael and Strathardle, one sasine to be taken at Wemyss Castle sufficing for the whole. By this charter, too, the holding of the Wemyss estates was changed by the king from ward and relief to that of blench-farm.

The conferring of the patronage of the church of Kirkmichael was a special concession arising from the necessity of the case. Through great sloth and negligence, the charter states, the church had been deprived of the consolation of a spiritual pastor, and the king, having the fear of God before his eyes, an ardent zeal for the propagation of the Gospel, and a desire to exoner his conscience in the matter, resolved to impose the care of this church's settlement upon John Wemyss, whose prudence, discretion, and judgment in the management of his own affairs commended him to the king for this purpose. And being determined that this patronage should remain with John Wemyss and his heirs and successors, the king constituted it part of the new barony of Wemyss. In the charter the liferent of David Wemyss is reserved,

[1] Vol. ii. of this work, p. 220.

[2] In the hall (aula) of Mr. John Layng, Keeper of his Majesty's signet, on 8th March 1588-9. Instrument in Wemyss Charter-chest.

with a reasonable terce to his wife, Cecilia Ruthven. The young laird of Wemyss was infeft in the lands on 30th June the same year, 1589.[1]

About May 1594 John Wemyss, younger of that ilk, appears to have been knighted, perhaps in connection with the preparations for the baptism of Prince Henry. He is first mentioned under his new dignity in a minute of the Privy Council on 9th May 1594, when he was accepted as surety for Mr. David Barclay of Collairnie appearing before the council. On the previous day he had just come under a similar obligation on behalf of John Wemyss of Logie. He was at the time at Stirling Castle, and the honour was conferred by the king on one of these days.[2] In 1595 Sir John Wemyss represented the barons of Fife in Parliament along with Sir John Melville of Carnbee.[3]

In 1597 Sir John Wemyss succeeded to his father on the latter's death in that year. In October of the same year he was instructed to receive and entertain Jock Johnstone of Brumell, one of the Border pledges formerly kept by his father, and in the following year another, Willie Johnstone of Greenside, as pledge for the gang of Myrehead and Lockerbie, was sent for safe custody to Wemyss Castle.[4] This was the last Borderer consigned to the care of the lairds of Wemyss at this time, as the Council found the plan a failure.[5] But he was the cause of some trouble and annoyance to Sir John Wemyss. In 1601 an order was issued for the presentation of the pledges before the Council at Linlithgow, but before this time Willie Johnstone had received a message from his chief, the laird of Johnstone, and had left Wemyss Castle "without guid nycht." Being thus unable to obey the summons to produce his man, Sir John Wemyss sent an "honest barone" to Linlithgow to explain matters and to disclaim responsibility, because that when he received the pledge at first from William, Earl of Angus,

[1] Vol. ii. of this work, pp. 306, 307; original precept of same date, and instrument of sasine thereupon, in Wemyss Charter-chest.

[2] Register of the Privy Council, vol. v. p. 144.

[3] Vol. ii. of this work, p. 219.

[4] Vol. iii. of this work, pp. 34, 35.

[5] Register of the Privy Council, vol. vi. p. 45.

the king's lieutenant on the Borders, with a missive order to keep him under the penalty of £2000, he had returned him, as the condition was "a noveltie to him and a burding quhairwith nane of his predecessouris wer burdenit," but at the same time offering to entertain the pledge, and his man and horse, without being answerable for his detention under such penalty, "seing it is aneuch for ony gentleman of the cuntrie to interteny a pledge, albeit he be not ansuerable upoun sa hard a conditioun for his keiping."

This satisfied the earl, who, on meeting the laird a few days afterwards in Edinburgh, requested him to take the man on the simple condition that he would not give him permission to depart, and that if he should escape, he would advertise the lieutenant or the clerk-register within forty-eight hours. If he did so he should be exonered. The laird of Wemyss further explained that he had written to the clerk-register immediately after the man's escape. The king, however, had changed the meeting-place of the Council from Linlithgow to Dalkeith, and as to all appearance Sir John Wemyss was a defaulter the Council condemned him to pay the penalty of £2000, and the treasurer, Alexander, Master of Elphinstone, assigned the sum to John Nasmith and George Heriot, younger, goldsmith in Edinburgh, who took steps to recover the money. Sir John Wemyss appealed to the Council. He appeared before their lordships and showed that he had been unjustly condemned, inasmuch as he had not been heard in his defence, and had not been informed of the change in the place of the Council's meeting, after the king himself had told him it would be at Linlithgow, where his commissioner had waited two days. The Council accordingly suspended the letters of horning against him for payment. He was, however, required to find caution to pay the amount of 800 merks to John Nasmith, surgeon, and 2200 merks to George Heriot, if it should be found that he ought to do so. His brother, James Wemyss of Bogie, became his surety.[1]

[1] Register of the Privy Council, vol. vi. pp. 247, 684.

Like his father, Sir John Wemyss does not appear to have associated himself with any of the political parties of his day, contenting himself with a quiet and unobtrusive loyalty to King James. His services were frequently commanded by the king in various ways. When M. de Bethune, as ambassador for the King of France, visited Scotland in 1599, and wished to travel from Falkland Palace, where he was with the king, to Perth, James sent to the laird of Wemyss for the loan of his best hackney, with saddle and other trappings, for the use of his ambassador or some of his gentlemen, promising to return the horse.[1] In the following year, by a characteristic, though a circular letter, the king summoned him, in his capacity of commissioner to Parliament for the lesser barons of Fife (he having been again elected by them in 1598),[2] to a convention at Perth on 27th March to devise ways and means for replenishing the royal exchequer.[3] In May of the same year, and in the same capacity, he was required by John, Earl of Montrose, chancellor, to attend a meeting of Council to arrange the business of the forthcoming Parliament.[4]

King James was exerting himself to appease the continued feud between the Earls of Moray and Huntly, occasioned by the slaughter of the "bonnie earl" at Donibristle, and Sir John Wemyss was one of the friends of the Earl of Moray with whom that earl promised to advise on the matter. In the previous memoir it was shown that the late laird of Wemyss, by becoming security for the Earl of Athole in connection with the gift of the young Earl of Moray's marriage, had involved himself for a part of the price of that gift, and that he had had to pay is evident from the fact that Sir John Wemyss was now the holder of a bond for 12,000 merks over the Earl of Moray's lands in Fife in respect of his marriage. Of this he wrote to the king, as interesting himself in the earl's affairs, and asking his Majesty to arrange

[1] Vol. iii. of this work, pp. 35, 36.
[2] Vol. ii. of this work, p. 220.
[3] Vol. iii. of this work, p. 37.
[4] *Ibid.* p. 38.

for the speedy relief of that sum, as the young earl's marriage would be best in his own hands. The king replied inviting the attendance of Sir John Wemyss at Stirling on the occasion of the matter being considered;[1] and it was probably settled to the satisfaction of the laird. Wemyss himself wrote to the Earl of Moray on the matter, offering to reduce the amount by 1000 crowns in order to get quit of the bond.[2]

A few years later King James the Sixth succeeded to the throne of England, and left for the English metropolis. He set out without his royal consort, who was to follow him according to their arrangements. But gratified exceedingly with the warm reception accorded him he wrote from Newcastle for Queen Anna and their children to come to him at once, and Sir John Wemyss was one of those barons chosen to convoy the royal household to London, being honoured by the commands of both the king and queen to do so.[3]

In 1610 Ludovick, second Duke of Lennox, granted to Sir John Wemyss and his heirs a commission as admiral of the Forth from Dysart to the Water of Leven.[4] The Duke of Lennox was in 1600 temporarily the feudal superior of the laird of Wemyss when, as commendator of the priory of St. Andrews, he granted a precept of *clare constat* in favour of Sir John Wemyss, for his infeftment as heir to his father in the lands of Innerleven or Caldcoits.[5] This was the superiority only, for the property belonged to the family of Lundy of Balgonie. At this time Sir John Wemyss had the ward and non-entry of the lands in his hands through the death of Robert Lundy. A dispute arose between Sir John and the heir of Balgonie as to the nature of the holding, and the former took the advice of counsel, who in their letter state that as it was neither blench nor feu it must be

[1] Register of the Privy Council, vol. vi. p. 351; vol. iii. of this work, pp. 40, 41.

[2] Letter dated 29th January 1598, in Wemyss Charter-chest.

[3] Vol. iii. of this work, pp. 42, 43.

[4] Commission in Wemyss Charter-chest.

[5] Original precept in Wemyss Charter-chest.

ward, the only other kind known to Scottish law; but Lundy being young and "the laird's near cousing," they declined to advise litigation, recommending an amicable settlement.[1] This was successfully done, for the laird of Wemyss received 1000 merks in composition for the ward from Andrew Lundy of Condland, as one of the curators of the heir, Robert Lundy, and the latter, on a precept by Sir John Wemyss, was infeft in the lands in 1605 and 1608.[2]

Sir John Wemyss was also, like his predecessors, bailie of the river Leven. As such he received a communication from King James in 1599 requiring him to prevent the setting of a lax-net in the mouth of that river.[3] From the custom of so doing the mouth of the Leven within sea-mark got the name of the Laxnet. This part of the river belonged to Andrew Wood of Largo, who paid certain dues to the bailie, but Wood seems to have been restive under the jurisdiction of the Wemysses. He put himself forward in 1607 as the prosecutor of certain of the riparian proprietors and tenants of the laird of Wemyss, including James Wemyss of Earl's Seat, for slaying salmon in the river, and obliged them to obtain caution, which they did in the person of David Wemyss, eldest son of the laird of Wemyss, in 400 merks for each, that they would conform to the Act of Parliament on the matter.[4] This was in September, and in the following month an order was issued to the laird enclosing the names of a number of alleged offenders against the law, by whose means the once abundantly replenished waters of the Leven had become impoverished, and requiring him to put them under sufficient caution to obey the law.[5] A further commission was given him in December of the same

[1] Letter, Mr. H. Balfour and Mr. A. King, advocates, Edinburgh, to Sir John Wemyss of that ilk, dated 8th March 1598, in Wemyss Charter-chest.

[2] Discharge, dated 31st May 1603, and sasines, dated 27th June 1605, and 28th April 1608. *Ib.*

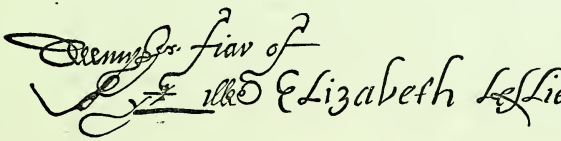
[3] Vol. iii. of this work, p. 36.

[4] Register of the Privy Council, vol. vii. pp. 438, 687.

[5] Letters of charge, dated 16th October 1607, in Wemyss Charter-chest.

year to the same effect to endure for three years, and others were granted at later periods for further terms.[1]

In 1605 Sir John Wemyss resigned all the lands he held of the crown into the hands of King James the Sixth, who regranted them by a charter under the great seal to David Wemyss, Sir John's eldest son and heir, but reserving the laird's liferent. David Wemyss was infeft in December of the same year.[2] In February, 1608, his marriage with Lady Elizabeth Leslie, daughter of Andrew, Earl of Rothes, and Janet Durie, his countess, was arranged to take place before 5th April, and with Lady Elizabeth was given a tocher of 20,000 merks.[3] Their signatures, as appended to the contract, are given below. But the prospects and plans of Sir John Wemyss in reference to his eldest son were all frustrated by that young man's death in August 1608, a few months after his marriage. As he left no children, a settlement was arranged with his widow, by which she renounced the Wemyss lands in which she had been infeft, although, indeed, her infeftments had become by the law of Scotland null and void, through the death of one of the spouses within year and day without issue. She did this the more willingly, as a new marriage with James Ogilvy, son and heir of Sir Walter Ogilvy of Findlater and Lady Mary Douglas, who afterwards became Earl of Findlater, had been agreed upon, and the early age at which Lady Elizabeth Leslie must have married David Wemyss,



[1] Vol. ii. of this work, p. 311.

[2] Instrument of resignation, 27th June 1605; Crown precept, 27th June 1605; and sasine, 12th December 1605, in Wemyss Charter-chest.

[3] Vol. ii. of this work, p. 311.

fiar of that ilk, is apparent from the fact that in the renunciation, which is dated in February 1610, she is obliged, as also is her future spouse, to ratify it when they should respectively attain to their perfect age of twenty-one years.[1] The gift of the ward and marriage of the heir of David Wemyss was given by the king to Mr. Samuel Cockburn of Temple.[2]

John Wemyss, the second son of Sir John Wemyss, was forthwith retoured as heir to his brother David,[3] and was infeft in the lands,[4] though his father, in view of and about the time of granting the estates to his eldest son, David, had provided him in the lands of Methil.[5] This, however, was under reversion, but after his son's marriage Sir John Wemyss made resignation of Methil in his favour, and also formally ratified the previous resignation of the barony of Wemyss, with special application to and in favour of his son John.[6]

The dispute between David Wemyss and Sir James Scott of Balwearie respecting the claim of Sir James to the possession of an eighteenth rig or part of Wester Wemyss was revived in the time of Sir John Wemyss, but it was also happily settled before his death. Sir James Scott urged his claim anew about 1601, but it was strenuously and successfully opposed by Sir John Wemyss, who wrote a lengthy "Memorandum to the posterities to cum of the actioun," etc. In this paper he refers to the purchase of the eighteenth rig of Wemyss by Sir David Wemyss from Sir William Scott of Balwearie in 1508, the evidents of which, notwithstanding repeated applications, he had been unable to obtain from the Scotts, or even to get a sight of them. He declares his conviction that the present claim was based on the

[1] Renunciation, dated at Edinburgh and Balinbreich 9th and 14th February 1610, in Wemyss Charter-chest.

[2] Letter of gift under the privy seal, dated 12th September 1608, in Wemyss Charter-chest.

[3] Vol. ii. of this work, p. 312.

[4] Sasine, dated 15th May 1610, in Wemyss Charter-chest.

[5] Vol. ii. of this work, p. 310.

[6] Original ratification, dated 15th February 1614, in Wemyss Charter-chest.

evidents of the purchased eighteenth part, although the Scotts averred it was not, but was a part of Wemyss they had purchased from Andrew Rattray. But, says Sir John Wemyss:—

Rettray mycht weill haue disponit that quhilk he had no richt vnto, as he did that, for certaine it is that Androw Rettray gat neuer chairtour nor seassing of ony parte of the lands of the Wemys. . . . Thai sall neuer be abill to pruiff be just wreitt that euer his mother gat seassing of ane fure of the Wemys, or yit his father. . . . Fordar, ye sall wnderstand that I haue delt with the said Androwes successoures in Stratherne, bayth derectlie and inderectlie, to haif had the inspectioun of thair euidentis, bot can get na tryall that euer thai had ony richt to ony landis of the Wemys. Fordar, it is to be rememberit in cace that matter cum in forder desput as to the law, that in cace the laird of Balweirie or his successouris wald alledg Androw Rettray to haif ony richt to ony pairt of the landis of the Wemys as flowand fra his father, or rather his mother, quha discendit of ane of the heretrixes of Inschmertyne, quhilkis than war Glenes bot befoir Wemyses, off the quhilkis systeris of the Glenis the said Androw Rattrayes mother, callit Ogilvie, was ane dochter, bot scho deyit without seassing of ony of the landis of the Wemys. For the said Androwes successouris denyes plainlie that euer thai knew be word or wreitt that ony of thair predecessouris had ony richt to ony pairt of the landis of the Wemys. Thairfoir appeiraudlie thair can be na wreittis produceit for the said Androw, ather pertening himselff or as flowand fra his mother, bot man of force be fals and feinzeit. This wreitt on this sydde, sone, is to be keipit and not reweillit; bot gif it be to were few and that thai be werray suire. My trysting with the laird of Balweirrie was in the yeir of God sex hundreth ane yeir and sex hundreth tua yeris, and his layin over seinsyne at the laird of Balweirries awin desyre. Nather gat euer the laird of Balweirrie or his predecessouris euer dewissioun or yit possessioun of ony pairt of the lands of the Wemys, and I stand laitlie seassit in the haill landis bot ony kind of interruptioun, praysed be God. This information wreittin at the Wemys the xxvii day of Februar, the yeir of God I^{m} vj^{c} and four yeiris.[1]

S. JHONE WEMYSS off that ilk.

But, as remarked, Sir John Wemyss had the pleasure of seeing the dispute ended before his death. His son, Sir John Wemyss, fiar of that ilk, arranged the matter with William Scott, the son and successor of Sir James Scott, who, for "certane ressonable causis, guid considerationes, and sindrie respectis," made formal renunciation of

[1] Original in Wemyss Charter-chest.

his claim to any part of Wemyss, and promised to deliver up any writs thereof which might come into his hands.[1]

Sir John Wemyss himself did not add any new lands to the Wemyss family estates. He redeemed Little Lun from mortgage in 1599, but he was obliged to raise money over a number of his other properties, including Cameron-mill, Newton, and Wemyss-shire, and also Little Raith, Glenniston, and Powguild.[2] As superiors of Kilmux and Colliston, he, with his son, granted a charter of these lands to David Wemyss of Fingask, and his heirs-male, whom failing, to Henry Wemyss of Foodie, and his heirs-male.[3] To these, his two youngest brothers, he had given obligations in 1596, shortly before their father's death, to pay them a certain annual sum for their sustenance;[4] but they both soon acquired the estates by which they were designated. Sir John Wemyss, however, obtained permission from King James the Sixth to hunt on the Crags of Moncrieff and neighbourhood, which adjoined his Perthshire estate of Elcho. By the same authority, and about the same time, he was commanded not to receive as a tenant in the Cots of Elcho Hew Moncrieff, brother of the laird of Moncrieff, on account of his having been concerned in the Gowrie conspiracy.[5]

During this laird's time the town of West Wemyss was ordered by the Privy Council to be closed as a seaport for general merchandise, salt and coal only excepted, on account of the frequency with which shipowners defrauded the customs. This was the course taken generally with all the seaport towns at which there was no customs officer.[6] In 1606 a man was killed in Wemyss, and the town authorities getting information that two of the tenants of the laird of Lundy had been privy to the deed, gathered the burgesses of Wemyss to the

[1] Renunciation, dated 20th September 1617, in Wemyss Charter-chest.

[2] Documents in Wemyss Charter-chest.

[3] Charter, dated 29th March 1616, *penes* Sir William Fraser, K.C.B.

[4] Obligations, dated 28th November 1596, in Wemyss Charter-chest.

[5] Vol. iii. of this work, pp. 39, 40.

[6] 27th April 1602; Register of the Privy Council, vol. vi. p. 373.

number of eighty, and all being armed with jacks, steel-bonnets, gauntlets, swords, spears, long staves, or other weapons, proceeded at the dead of night to the houses of the supposed culprits, broke open the doors, and taking the men out of their beds, carried them to Wemyss and imprisoned them there, sometimes in one house and sometimes in others. The laird of Lundy, however, as responsible for his tenants, reclaimed the men, and the two bailies of Wemyss were ordered by the Council to set them at liberty, on Lundy becoming surety in 500 merks for each for their appearance when required.[1]

Sir John Wemyss also obtained a renewal from the provost, bailies and council of Inverkeithing, of his lease of the petty customs of Wester Wemyss. Previous lairds had held these, and on Sir John sending in 1596 for a renewal, one of the bailies replied, asking for the old lease, in order to know the necessary terms for the new one, as only some of the oldest burgesses of Inverkeithing were aware of the fact that such a right existed, and could not recall the terms of it.[2] They did grant a lease in favour of the laird of Wemyss in 1612 to endure for twelve years; and probably there was another for the intervening period from 1596. The laird of Wemyss drew the customs and paid the authorities of Inverkeithing for the right £4 Scots yearly.[3]

In 1617 Sir John Wemyss was twice present at the meetings of Parliament in Edinburgh as one of the commissioners for the county of Fife.[4] On the second occasion he was created a burgess and guild-brother of that city.[5] In the following year he was one of the barons chosen by King James the Sixth to further his objects in the General Assembly held at Perth;[6] but whether the laird of Wemyss complied with the mandate has not been ascertained.

[1] Register of the Privy Council, vol. vii. p. 256.

[2] Letter, John Brown to Sir John Wemyss, 12th July 1596, in Wemyss Charter-chest.

[3] Original lease, 18th September 1612, *ibid.*

[4] Acts of the Parliaments of Scotland, vol. iv. pp. 525, 581.

[5] Burgess ticket, dated 26th June 1617, in Wemyss Charter-chest.

[6] Vol. ii. of this work, p. 44.

The precise date of the death of Sir John Wemyss is not known. He was still alive in August 1620, as his son and heir is then styled "younger of that ilk," but he was dead before the month of June 1622, when his son was in complete possession of the estates. A licence granted by the Lords of Privy Council to him in 1610 to eat flesh during the Lenten season, states that he was "subiect to diuers diseassis and infirmiteis, sua that his complexioun aggreis nocht to feid vpoun fishe";[1] but there is no other indication that he was of a weakly constitution. Although not prominent in political matters, he evinced much vigour in the management of his domestic affairs. In an account of the Wemyss family, printed in the Appendix to an edition of Nisbet's Heraldry, published in 1804, it is stated that this laird of Wemyss was surnamed "Birkenflower."[2]

As already noted, Sir John Wemyss was twice married. By his first wife, Margaret Douglas, he had no issue, and by Mary Stewart he left two sons and four daughters. The sons were—

1. David Wemyss, who, as already mentioned, predeceased his father in 1608, without issue.
2. John, who was created Earl of Wemyss. Of him a memoir follows.

The daughters were—

1. Cecilia, who married, contract dated 3d October 1599, William Murray, second Earl of Tullibardine. Her tocher was £10,000 Scots.[3] They had no issue.
2. Janet, who married Robert Colville of Cleish, afterwards first Lord Ochiltree, but died without leaving issue, in April 1655, at Cleish. "She was a woman," says Lamont, "that was longe infirme and sicklie before hir death."[4]
3. Isobel, who married, contract dated at Wemyss and Beauly

[1] Vol. ii. of this work, p. 43.
[2] Vol. ii. Appendix, p. 35.
[3] Discharge by Sir John Murray, dated 10th February 1602, in Wemyss Charter-chest.
[4] Diary, p. 87.

29th October and 10th November 1614, Hew, eldest son and heir of Simon Fraser, Lord Lovat. Her tocher was 10,000 merks.[1] They had issue.

4. Catherine, who married, contract dated at Wemyss and Cleish, 18th August 1624, John, afterwards Sir John Haldane of Gleneagles, and had issue. The marriage was arranged by her brothers, who agreed to pay her tocher of 10,000 merks.[2]

[1] Contract in Wemyss Charter-chest. [2] Contract of marriage, *ibid.*

XV.—Sir John Wemyss of that Ilk, first Earl of Wemyss.

Hon. Jean Gray of Gray, his Countess.

Circa 1622—1649.

John Wemyss, the second born, but eldest surviving son of Sir John Wemyss of that ilk by his second wife, Mary Stewart, was born about the year 1586. In 1604 he was provided by his father in the lands of Methil, the charter of which was given under reversion, and bore that the grant was made from the laird's affection to his second lawful son, and because he had hitherto got no portion of his father's moveable goods, lands, or annuities. But the death of his elder brother in August 1608, without issue, made John Wemyss heir-apparent to the family estates, in which he was infeft on 15th May 1610, after being served heir to his brother on the 17th of the previous month. As fiar of Wemyss, John Wemyss was frequently associated in transactions affecting the estates with his father, who ratified, in 1614, all the steps taken in regard to his succession.

In or about the year 1609, John Wemyss married Dame Jean Gray, eldest daughter of Patrick, Lord Gray, and in the close of that year had a new grant of the barony of Methil to him and his wife. This barony included, besides the lands of Methil, those of Hill and Pirny, the superiority of Caldcoits or Innerleven and half of Kilmux, and the office of bailie of the river Leven, which, among other dues, yielded to the holder every ninth salmon caught in the stream, and entitled him to hold courts, appoint inferior officers, and deal with delinquents.[1]

The young laird of Wemyss was knighted before 25th June 1618,

[1] Charter by George Gledstanes, archbishop of St. Andrews, dated 7th November 1611, in Wemyss Charter-chest.

as he is then designated Sir John Wemyss, fiar of that ilk, knight.[1] The honour was probably conferred on the occasion of King James's visit to Scotland in 1617, when he made a progress through Fife and elsewhere. Sir John Wemyss is still called "younger" in August 1620, but before June 1622 his father died, and he succeeded to the entire control of the estates.

When the Nova Scotia scheme was started, Sir John Wemyss, with many other of his fellow-countrymen, was persuaded to embark in it. He was one of the first to do so, as on 25th May 1625 Sir William Alexander of Menstrie, the moving spirit of the concern, granted a procuratory for resigning sixteen thousand acres of the acquired territory in favour of Sir John Wemyss.[2] The scheme included the conferring of the dignity of a baronetcy on each participant with a certain precedency; but as this conflicted with existing rights in Scotland, it met with considerable opposition. Owing to this, probably, the laird of Wemyss showed some hesitation about completing the transaction. In these circumstances he received a letter from King Charles the First, intimating that in regard to the reputation of the house of Wemyss, his Majesty had taken more particular notice of Sir John, and had passed a signature of a Nova Scotia baronetcy in his favour, urging him also to accept the same, especially as it was "a next stepp to a further title."[3]

The editor of the Earl of Stirling's "Register of Royal Letters" says that the laird refused the proffered title.[4] But this was not so. On the contrary, he, on 18th August 1626, granted a bond for 3000 merks, the stipulated price of the barony and title, to William Alexander, younger, on behalf of his father, and three days later paid

[1] Disposition by David Spalding of Aschintullie, of patronage of church of Kirkmichael, 25th June 1618, *ibid.*

[2] Original in Wemyss Charter-chest.

[3] 24th March 1626. Vol. iii. of this work, pp. 44, 45.

[4] Introduction, p. xxiii.

the amount.[1] He thereupon obtained a charter of the portion of the territory of Nova Scotia agreed upon. It is described as beginning at the southmost point of the island of Anticosti, lying in the mouth of the river Cannada, about forty-nine degrees of latitude, extending three miles upon the north towards the seashore, and then towards the east, always keeping three miles in breadth, until sixteen thousand acres had been measured off, with castles, towers, houses built and to be built, mills, multures, and sequels, fishing of red and white fish, patronage of churches and chapels, with teinds, etc., also mines and minerals, including gold, silver, precious stones, etc., with privilege of free regality, and office of sheriff and justiciary within the said bounds, and with the honour and dignity of baronet and the precedency thereto belonging; all united in one full, free, and entire barony and regality, to be called the BARONY and REGALITY of NEW WEMYSS. And in this barony Sir John Wemyss was duly infeft within the outer gate of the castle of Edinburgh, as the place appointed for taking sasine, on 3d October 1626.[2]

But to all intents and purposes, at least so far as the territory was concerned, the scheme was a bubble one. The French government successfully laid claim to the territory appropriated by the Scots, and Charles the First formally conceded their right in the treaty of St. Germain-en-Laye in 1632.[3] Nothing therefore remained to the laird of Wemyss of his new barony save the dignity and title of a baronet of Nova Scotia.

Yet the intimation in the letter of King Charles of a further title was no mere empty promise made to serve a momentary purpose. Only two years afterwards the king, "in remembrance of the good service done to his Majestie be Sir Johne Wemes of that ilk, knight,"

[1] Original bond in Wemyss Charter-chest, No. 258.
[2] Vol. ii. of this work, pp. 314, 315.
[3] Register of Royal Letters, Introduction, p. xxxviii.

conferred on him the dignity and rank of a lord of parliament by the title of LORD WEMYSS OF ELCHO. The patent was presented to him at Holyrood, on 23d April 1628, at a meeting of Privy Council, by the president, William, Earl of Menteith, and Lord Wemyss, on receiving the same, promised to approve himself worthy of the honour "to the vttermost of his possibilitie."[1] The good service here referred to was probably that of holding the office of commissioner for Perth, to which he was elected on the king's own recommendation contained in a letter dated 29th August 1627, intended to indicate to the gentry of Perthshire the persons the king wished them to choose at their annual Michaelmas court; and it is evident that the royal recommendation was effective, as in another letter for the same purpose in the following July, the king recommends the election of "Strathauchan of Crumer in the place of the now Lord of Elcho."[2]

The beginning of the parliamentary and political life of Lord Wemyss is marked by a royal summons issued from Holyrood, on 14th July 1628, requiring him to attend the meeting of parliament appointed to be held on 15th September following. A week later the Privy Council wrote in reference to the same, and more especially regarding the proposed coronation of King Charles at Edinburgh on that occasion, when they hoped he would attend "in that statlie and decent forme, with your scarlett rob, as beseemeth the dignitie of suche ane actioun."[3] The coronation, however, did not then take place, and the parliament only met to be prorogued. But from this time, though not in the front rank among the high officers of state, John, Lord Wemyss, bore a full share of the burden of the work of the country.

He was intrusted, along with Robert, Lord Burley, the father of his eldest son's wife, with a commission to search for and apprehend six

[1] Vol. ii. of this work, p. 222. [2] Register of Royal Letters, pp. 204, 296.
[3] Vol. iii. of this work, pp. 45, 46.

of the servants of the bishop of Clogher, who were charged with the murder of Sir John Wemyss, high sheriff of the county of Fermanagh, in Ireland, and who had fled to Scotland to escape justice.[1] Sir John Wemyss was apparently the son of John Wemyss of Logie, and the following letter, recently discovered in the charter-chest of the Earl of Haddington, is of interest in the case :—

Right trustie and welbeloved cosen and councellour, wee greet yow well : Whereas in our gratious care to releive the poore and distressed estate of the Lady Weyms, late wife of Sir John Weyms, who was slaine in that kingdome, wee maide a reference to our right trustie and welbeloved cosens and counsellours, the lord Viscount Dupline, our chauncellour of our realme of Scotland, and the lord Viscount Conwey, our principall secretary, and our right trustie and welbeloved cosen, the lord Viscount Loftus, our chauncellour of that our kingdome, who have declared their order therein, dated the 17th of June last, namely, that the lord bishopp of Clogher (in whose cause and by whose servants the said Sir John Weyms was slaine), should pay vnto the lady one hundred pounds, and make her a lease for fiftie or threescore yeares of lands to the cleere yearely value of fiftie pounds per annum, or in default of such a lease by a certain tyme, should pay her six hundred pounds, and on performance on his part the said lord bishopp to give securitie, and likewise the said lady to enter securitie for the not prosecution of the said lord bishopp, or of any that had relation to him for that fact, all which by the said certificate it selfe will more at large appeare : Forasmuch as wee perceave that the said orderers found no cause to suspect the said bishopps innocencie, professing that they did not make any suspition thereof the least motive to the said recompence given to the lady, wee are gratiouslie pleased to ratifie and confirme the said order in every point, expressing further our singular contentment that a person of that coate and qualitie is not onely by legall proceeding, but by the opinion of those grave lordis freed from so foule an aspertion, and letting yow knowe that wee esteeme him a person worthie of our grace and favour. And, moreover, wee require you to give speedy direction for the due execution of the said order in all the pointis thereof aswell that the said bishopp doe performe such act, and enter security according to the true intent of the same, as is therein sett downe ; as likewise that the said Lady Weyms doe for her part without delay enter such securitie as shee is therein appointed, and performe that which shee is ordered to doe, that wee may be no further importuned in that cause.

And in regard wee have taken notice of some differences growen betweene the said

[1] Commission to "John, Lord Weemes, Viscount of Elchou ; " Robert, Lord Burley, etc., 23d August 1628, vol. iii. of this work, pp. 47, 48. Cf. Register of Royal Letters, pp. 115, 156.

bishopp and the lord Balfoure,[1] which have been much exasperated by the occasion of this unhappie accident, the Lady Wemyss being daughter to the Lord Balfoure, wee recommend it to your good care to deale betweene theis lordis, and to reconcile them that they may both ioyne in doeing vs service, which their contentious cannott but much disorder, in those partis where they are neighbours.

Lastly, because the said bishopp hath of necessitie attended here on our person about this and other matters, it is our pleasure that he shall not receave any prejudice by his absence from hence, for which he hath had our license and permission. And theis our lettres shalbe as well vnto you our deputy there now being, as to the deputy or other chiefe governour or governours of that our kingdome, which hereafter for the time shalbe, and to all other our officers and ministers there whom it shall or may concerne, and to every of them, sufficient warrant and dischardge in that behalf. Given vnder our signett at our pallace of Westminster, the two and twentieth day of October, in the fowerth yeare of our raigne [1628].

When the Convention of Estates met in July 1630, Lord Wemyss was appointed a member of three commissions, one of which was concerned with the national fisheries, and the other two about the carrying out of patents granted to the Earl of Linlithgow for making powder, and Lord Erskine for tanning leather. The fisheries inquiry was another scheme of Sir William Alexander's for the formation of a vast company to work the coast fisheries of Scotland, and the investigations resulted in the incorporation of a National Association by royal charter in 1632, of which Lord Wemyss was appointed one of the "first and present fellows."[2] As convener of the Justices of the Peace within Fifeshire, John, Lord Wemyss, was required by the Privy Council to furnish a formal report of the prices of victual within the bounds where he bore office.[3]

Some domestic arrangements engaged the attention of Lord Wemyss about this time. In 1624 his youngest sister, Catherine, married Sir John Haldane of Gleneagles, and her brother gave with her a tocher

[1] Sir James Balfour, second son of Sir James Balfour of Pittendreich, created in 1619 a peer of Ireland under the title of Lord Balfour, Baron of Clonawley.

[2] Acts of the Parliaments of Scotland, vol. v. pp. 208, 223-225, 240.

[3] Letter, dated 17th January 1629, vol. iii. of this work, pp. 48, 49.

of 10,000 merks.[1] In the beginning of the year 1627 the marriage of David, Master of Wemyss with Anna Balfour, eldest daughter of Robert, Lord Burley, was celebrated, and, in terms of their marriage contract, Lord Wemyss, in 1631, resigned the family estates in favour of his son.[2] In the last-mentioned year he also arranged the marriages of two of his daughters, Mary, the eldest, to John, Lord Sinclair, giving with her £12,000 Scots of tocher, and of Anna, his second daughter, to Alexander, son and heir of David Lindsay of Edzell, who received with her a portion of 16,000 merks.[3] Lord Wemyss also purchased several estates about this time, of which notice will afterwards be taken. In the year 1630 several of the Scotch peers entered on a rivalry as to their antiquity. Lord Wemyss participated in the prevailing feeling. In the beginning of 1630 he obtained two services of himself as heir-general of his grandfather, David Wemyss of that ilk, who died in 1597, and of David Wemyss of Methil, his grandfather's grandfather's great-grandfather's father (*abavus abavi*), who died in 1430.[4]

The coronation of King Charles the First in his Scottish kingdom took place in the year 1633, and he was received in the capital with great pomp and rejoicings. Lord Wemyss was one of six lords of parliament appointed to be supporters of those who bore the "pale" or canopy of crimson velvet above the king's head from Holyrood to his entering into church on the coronation day, 18th June. On the following day he was present and took part in the riding of parliament, and was personally involved in the conflict which took place near the entry to the West Port between the eldest sons of the earls and the lords of parliament for precedency in the procession. The question

[1] Discharge for last instalment of 2000 merks, dated 20th May 1627, in Wemyss Charter-chest.

[2] Instrument of resignation, dated 17th December 1631, *ibid.*

[3] Contract of Marriage, dated 13th and 15th July 1631, in Wemyss Charter-chest.

[4] Retours in Wemyss Charter-chest.

was debated before the king and the nobility on the spot, and decided in favour of the earls' sons.[1]

A few days later, on the 25th June, a patent was signed at Holyrood by the king, creating John, Lord Wemyss, EARL OF WEMYSS and LORD ELCHO and METHIL and it was presented to him in person by King Charles on 4th July following, in the palace of Dunfermline. The title was limited to heirs-male bearing the name and arms of Wemyss.[2]

The parliament of 1633 was of short duration, but it was far-reaching in its results. The long-contested question of the teinds had reached the stage of "the general submission," and their commutation for a fifth part of the rent. A general valuation was to be made, and a large commission, consisting of nine officers of state, nine of the clergy, nine of the nobility, nine of the lesser barons, and nine of the burgesses, was appointed for this work, which included, among many other things, the settlement of disputes, the plantation of churches, and the fixing of the stipends of the ministry. John, Earl of Wemyss, was one of the nine nobles selected for this commission.[3] Much of the work was done by sub-commissions appointed by this commission, and, in regard to some of the earl's own lands, the following special warrant was issued by the king to the commissioners of Tithes :—

Right, etc.—Being informed that the lands of Eister and Wester Weymes, perteneing to our right, etc., the Erle of Wemyes, ar valued vpon the 8 September and 15 November for the sub-commissioners with the schirrefdome of Fyff, and that he is delayed of the benefite of approbation of the same befor yow, wherby the same as yitt is ineffectuall [to] him : Our pleasur is that, notwithstanding of our command ordeneing yow to begin at the kirks of erections, yow receave his valuatioun, and approve the same in a fair and legall way.—Grenewich, May 1635.[4]

In compliance with the act the earl had either to purchase the teinds

[1] Balfour's Annals, vol. ii. p. 203 ; iv. pp. 358, 370, 372, 389.

[2] Signature, dated 14th May 1625, and Act of Privy Council minuting delivery of patent, vol. ii. of this work, pp. 222-225.

[3] Acts of the Parliaments of Scotland, vol. v. pp. 35-39.

[4] Register of Royal Letters, p. 856.

of his own lands, or to arrange for holding in his own person the leases of them. The church of St. Mary of Wemyss had been at an early date gifted by the family of Wemyss to the Hospital of Soltre, which was afterwards annexed to Trinity College Church in Edinburgh; and Trinity College Church having, after the Reformation in 1560, been bestowed upon the city of Edinburgh, the provost, magistrates, and other representatives of that city became the patrons of the Church of Wemyss, and titulars of the teinds. After the compliance of the commissioners with the commands of the king in the above letter—they ratified the valuation on 17th July following—the earl made the following agreement with the Town Council of Edinburgh. According to the valuation which was made by the sub-commissioners of the presbytery of Kirkcaldy, and the payments in victual being commuted into money, West Wemyss was to pay £748, 10s. 8d. Scots, and East Wemyss, which was also now the property of the earl, £607, 18s. 8d., in all £1356, 9s. 4d. Scots. This the earl and his successors were to collect, and they further came under obligation to pay the minister's stipend, which was fixed at 800 merks, and to pay over the residue, £800 Scots, to the Town Council of Edinburgh. Besides this the earl was obliged to uphold the choir or fabric of the church, provide a reader and schoolmaster, and pay 40 merks for communion elements every time the sacrament was celebrated.[1]

John, Earl of Wemyss, is named by King Charles the First in a warrant issued by him, dated October 1634, appointing members of the Court of High Commission which had been established by the bishops in Scotland.[2] But it does not appear that the earl had ever anything to do with that unpopular judicatory. On the contrary, it must be

[1] Contract dated 6th February 1636 in Wemyss Charter-chest.; In 1650, when Mr. Harry Wilkie was minister of the church of Wemyss, the stipend was augmented to 1200 merks or £800 Scots, which exactly reversed the respective sums to be paid to the minister and the patrons [Decreet, *ibid.*].

[2] Baillie's Letters, vol. i. p. 424.

inferred from his subsequent conduct that its work could have been in no way congenial to him.

The Earl of Wemyss was an active presbyterian, and when relations became strained between the king and the people of Scotland, in regard to the efforts of Charles to force episcopacy on the Scottish people, he had no hesitation in throwing in his lot with the majority of his countrymen, and with other nobles in counteracting the measures of the king. He was in Edinburgh on the day the service-book was first attempted to be read in St. Giles' Church. Lord Elcho, who cordially associated with his father in the cause of the people, and who was present on this occasion, notes the circumstances of this incident in a diary he kept. Referring to the service-book, he says, "which buek was so filtly polutted with the treue rittes and radgs of Rome that sum religius men and women of all sortes did so heat itt that they would not permitt itt to be read in Edinburgh, and first att the ridding of the sead seruice bouk, the good religious wimen did rise vp to the ridder and flange their bouks, ther stoulles att him, and did riue all the seruice bouk a peisses. And the bishop of Edinburgh, called Mr. Dauid Lindesy, quho was sitting in the kirk, that caused reide itt, was so stoned with the wifes and knocked that he was forsed to flie to ane steare benorth the crosse, and did wine vp, otherways they head killed him."[1] Lord Elcho does not mention the fact that it was his father's residence where the bishop found refuge, but Mr. John Row in his History states so. He says, "The bishop, putt in a great feare, ran up the nearest stair to have gotten into my Lord Wemise lodging, crying to the people that he had no wyt of the matter."[2]

But the long pent-up storm of agitation now burst throughout the length and breadth of the land, and found utterance in a flood of petitions and supplications from all parts, and from all classes, to the

[1] MS. Diary of David, second Earl of Wemyss, at Wemyss Castle.

[2] Row's History, Wodrow Society, p. 409.

Privy Council against the imposition of the service-book. In the crisis a number of the noblemen came to the front, and by united and firm but courteous dealing with the Privy Council, restrained them from putting in execution the measures with which Charles instructed them to meet the popular demands. The residence of the Earl of Wemyss in Edinburgh, which was in the house of a person named Aikman, was near St. Giles' Church, and, probably from its proximity to the Council chamber, was made the meeting-place of the nobles, who there devised the steps of their procedure. It was resolved to petition the Council, and the presentation of their supplication was intrusted to the Earls of Wemyss and Sutherland, who therefore appeared before the Council with it. And having ascertained that the Duke of Lennox was about to repair to court for the king's further instructions, the nobles also resolved to attend the duke's entrance into the Tolbooth, so that he might see for himself the number and rank of the supplicants, and so might be influenced to persuade the king to alter his purposes. Accordingly the nobles ranked themselves on the north side of the High Street, between the Cross and the Luckenbooths, while a very large body of the ministers lined the other side. All humbly saluted the duke as he passed into the Council chambers. The petition was not considered until an afternoon sederunt, when the nobles and ministers repeated the same ceremony. At the close of the meeting the Earls of Wemyss and Sutherland were sent for and informed that the Council would send the petition to his Majesty with their own recommendations. On the return of Wemyss and Sutherland to the rest of the nobles, they were desired to go to the Council once more and request that they might be advertised when the reply was received from the king, and also that until then no innovation should be pressed anywhere. But before they reached the Council chamber the meeting was over.[1]

[1] Rothes' Relation, pp. 7-10, 47, 204.

The next time John, Earl of Wemyss, is specially mentioned is in February 1638, after the erection of "The Tables," when the supplicants assembled in strong force at Stirling to hear and to protest against the proclamation of the Council re-enforcing the service-book. This done, three of the nobles were sent for by the Council—the Earls of Rothes, Montrose, and Wemyss—in order to get the supplicants to remove from the town. Deception, however, was practised by the Council to obtain this, for they promised not to issue the proclamation, and no sooner were the supplicants gone than it was issued and repeated at Linlithgow and Edinburgh. The nobles had returned to Edinburgh, and the Earl of Wemyss, and his eldest son, Lord Elcho, were present among those who ascended the Cross and made the protestation at Edinburgh. They subscribed the covenant with the rest of the nobility in Greyfriars' churchyard on the last day of February 1638, and also with them contributed to the expenses of "The Tables," Wemyss twenty dollars, and Elcho ten. But, indeed, they were strong supporters of, and active workers in the whole movement which culminated, towards the close of that year, in that remarkable period of Scottish history known as the Second Reformation, so that to further particularise incidents in which they are specially mentioned is unnecessary.[1] One thing, however, cannot be omitted, that they at this time secured the young but celebrated minister, Mr. George Gillespie, for the church of Wemyss, who, though not yet twenty-six years of age, had written his work on "English-Popish Ceremonies obtruded upon the Church of Scotland," etc., which earned the distinction of a special proclamation of denunciation by the Privy Council at the king's command, with an order to all who possessed copies of the book to bring them to the Council on a certain day, or incur the penalty of the same punishment as the author

[1] Rothes' Relation, pp. 83, 141, 143, 159, 161, 165, etc. Peterkin's Records of the Church of Scotland, p. 92.

deserved, if it were afterwards found in their possession.[1] Gillespie, says Lord Elcho in his diary, was admitted minister of the Wemyss on 26th April 1638, by the presbytery, and not by the bishop, in the church of the Wemyss, and he adds: "The covenant for settling of religion in this land was reneued and suorne be the holle parrosh of Wemyss one the 26 day of May 1638."[2] The presentation was made by the Town Council of Edinburgh, as patrons, and Lord Elcho, as patron of Methil, conferred that parsonage also on Mr. George Gillespie. But the latter was allowed to remain minister at Wemyss only for four years, being translated to Edinburgh by the General Assembly which met at St. Andrews in 1642, notwithstanding his own earnest desire, and the fervent pleadings of both the Earl of Wemyss and Lord Elcho for his retention.[3]

The Earl of Wemyss, as a representative elder from the presbytery of Perth, was a member of the General Assembly which met at Edinburgh on 21st November 1638. He was appointed one of the committee to which was referred the consideration of the case of the bishops, and to report to the Assembly. The bishop of Glasgow endeavoured to make his peace with the Assembly through the earl, and at the desire of Lord Wemyss the case was delayed for a day or two. But as the bishop would not comply with the earl's request to cancel his adhesion to the declinature of the Assembly by the bishops, though he alleged he did it suddenly and repented it, the Assembly, on hearing the earl's report, adjudged the bishop of Glasgow to stand his trial like the rest.[4]

The earl does not appear to have been a member of the Assembly of 1639, but he was one of the covenanting lords who signed a letter to

[1] Burton's History of Scotland, vol. vi. p. 165.

[2] Diary of David, second Earl of Wemyss, p. 63, at Wemyss Castle. This entry is specially marked "Notted be me, Elcho."

[3] Baillie's Letters, vol. ii. p. 47.

[4] Peterkin's Records of the Church of Scotland, pp. 17, 110, 151, 166, 170.

the Earl of Essex on Scottish affairs in that year,[1] and he was present at the Parliament which met at the close of the meeting of Assembly, and which, says Balfour, was the last Parliament held in this kingdom after the ancient form.[2] Nor does the earl appear as a member of the Assembly of 1640, which met at Aberdeen. This may be accounted for by the fact that the Countess of Wemyss died within a few days of its meeting. Her death took place at Easter Wemyss on 17th August, and she was interred in the family burial-place in the church of Wemyss on the 25th, without, says Balfour, any funeral ceremony.[3] This was in accordance with the spirit of the Reformation. The earl is mentioned as having been present in Parliament in June and November of that year.[4]

In the following year, however, the Earl of Wemyss received the unexpected honour of being appointed by King Charles the First his commissioner to the General Assembly. This appointment was intimated to him by the Secretary of State, the Earl of Lanark,[5] and he was probably indebted for it to Mr. Alexander Henderson, the famous moderator of the Assembly of 1638, formerly minister of Leuchars in Fife, and now one of the Scottish commissioners in London. The king had resolved, on the advice of the Earl of Traquair, to appoint the Earl of Southesk. But as the latter was regarded by the country with distrust, Henderson prevailed on Charles not to send him. "For what speciall respects," says Baillie, "Weems fell to be next, I doe not know; however the modestie and the simplicitie of the man made him displeasing to none."[6] His written instructions from the king have not been found, but they appear to have been in terms similar to the king's own letter to the Assembly, which the earl presented, and which

[1] Letter, dated 19th April 1639. Balfour's Annals, vol. ii. p. 348.

[2] *Ibid.* pp. 354, 358. Acts of the Parliaments of Scotland, vol. v. pp. 251, 594, 599.

[3] Balfour's Annals, vol. ii. pp. 427, 428.

[4] Acts of the Parliaments of Scotland, vol. v. pp. 258, 300.

[5] Letter, dated 12th July 1641; vol. iii. of this work, p. 49.

[6] Baillie's Letters, vol. i. p. 359.

Baillie describes as "so full of grace and favour as we could have wished."[1] The earl himself describes his instructions as "so pieus and acceptable, as they nather did nor could admite any contest or contradictione in the Assemblie."[2]

The meeting of the Assembly took place at St. Andrews on the 20th of July 1641, but at the request of Parliament it was transferred to Edinburgh, and an arrangement made whereby the sittings of neither should be suspended, by the Assembly meeting in the forenoon, and Parliament in the afternoon.[3] The Assembly continued until the 9th of August, and on one day his grace had to plead with the Assembly for the continuance of his minister, Mr. George Gillespie, at Wemyss, in doing which he reminded the Assembly that "for fifty years back he and his people had been vexed with a most weak minister, and that he had gotten Mr. George admitted, the first in Scotland without the bishop's consent." On this occasion the town of Aberdeen was in quest of Mr. Gillespie, but he himself seconded the pleadings of the commissioner, and was for the time allowed to remain at Wemyss.[4]

During the sitting of the Assembly, and also at its close, the earl wrote to the king informing him of the proceedings; but in the second letter he abstained from going into particulars, as the king was expected shortly in Edinburgh, and was to be attended by the earl.[5]

During this year also the earl was engaged in important work by the Parliament. He was present at its meeting on 15th July, and two days later presented to the House his commission to represent his Majesty in the General Assembly, whereupon he sought and obtained a warrant under the great seal. The day after the Assembly rose he was appointed along with the Lord Lieutenant-general,[6] the Earl of Argyll,

[1] Baillie's Letters, vol. i. p. 360.

[2] Vol. iii. of this work, p. 52.

[3] Baillie's Letters, vol. i. p. 363. Acts of the Parliaments of Scotland, vol. v. p. 625.

[4] Baillie's Letters, vol. i. p. 367.

[5] Vol. iii. of this work, pp. 50-52.

[6] Livingstone, Lord Almond.

and the Earl Marischal to proceed to Gladsmuir on the 13th August, where the whole gentry of the counties of Berwick, and East, West, and Mid Lothians were ordered to attend them, to meet and convoy the king to Edinburgh. He was afterwards nominated and elected a member of Privy Council, *ad vitam aut culpam*. During the session he was frequently on special committees, one of which dealt with the office of Great Usher to the Parliament, which was claimed by Sir William Cockburn of Langton upon a grant by King Robert the Second to his predecessors, against a counter claim by the Earl of Wigtown. Another had reference to a supplication by James Aitchison desiring that Parliament should recommend the Crown to pay a debt due to him by the Earl of Orkney. In addition to the attendance of Lord Wemyss on the commission of teinds and settlement of kirks and schools, he was appointed commissioner to visit the university of St. Andrews in order to the rectifying of some abuses. He also sat upon a still more important one which had for its work the trial, in so far at least as the relevancy of the libel was concerned, of the five "incendiaries and plotteres," namely, John, Earl of Traquair, Sir Robert Spottiswood of Dunipace, Sir John Hay of Lands, Dr. Walter Balcanqual, and Mr. John Maxwell, lately bishop of Ross, indicted by Parliament for treason. The earl is also mentioned as taking part in the riding of the Parliament on its closing day, 17th November.[1]

The abilities of the Earl of Wemyss in a judicial capacity were after this time still further recognised and utilised by Parliament. He was repeatedly intrusted with the trial of state prisoners. In 1644 he sat on the trial of Sir John Gordon of Haddo, Captain John Logie, and others for treason, on that also of William Maxwell of Mid-kelton; and the sentences were not only indorsed by Parliament, but a special

[1] Acts of the Parliaments of Scotland, vol. v. pp. 308, 325, 331, 388, 405, 408, 413, 625, 666, 695, 697, 700, 704; vol. vi. pp. 198, 480; Baillie's Letters, vol. i. p. 380; Balfour's Annals, vol. iii. pp. 5-160, *passim*.

Act was passed approving in high terms the service rendered thereby to the country. The earl and his fellow-commissioners say the Parliament "hes walked wprightlie and done justlie in the dischairge of thair commissiones and reportes therof produced be them ansuerable to the trust, and according to the power and warrand thereby committed to them," and "have done good service to his Majestie and the Estates of this kingdome in the dischairge of there commissiones foirsaidis, conforme to the reportes therof foirsaid, and that they have behaved themselves therein as honest, wpright, and just judges, loyall subiectes, and well-deserveing patriotes."[1] In 1646 he was also engaged upon the trials of Sir Robert Spottiswood, William Murray, brother of the Earl of Tullibardine, Nathaniel Gordon, son of John Gordon of Ardlogy, and Mr. Andrew Guthrie, son to the late bishop of Moray, all of whom were involved with Montrose, and were condemned to death.[2]

In the stirring events of these times, when the breach between the king and the nation was daily increasing, the earl and his family took an active part. In the field he was generally represented by his eldest son, while he himself found occupation in the councils of the realm. In May 1642 he received a letter from King Charles requesting his support in the Privy Council, and in the following year, both he and Lord Elcho were favoured with another missive from the king desiring them to call together all their friends, tenants, and dependants, and declare to them his willingness to give all the assurances they could desire, or he grant, that he would never go against anything established in the country in either the ecclesiastical or civil government.[3] These were evidently circular letters, but the country had been too often deceived to trust now to the royal promises, and it is not improbable that the letters were ignored.

[1] Acts of the Parliaments of Scotland, vol. vi. pp. 103, 113, 161, 278, 293.
[2] *Ibid.* pp. 290, 477, 523, 531.
[3] Vol. iii. of this work, pp. 53-55.

The earl was constant in his attendance at meetings of Parliament, Council, and conventions, during this period, and had occasion at several to protest for his due precedency against the Earl of Lindsay.[1] As a member of the Convention of Estates he in the beginning of 1644 avowed his adherence to the Solemn League and Covenant. On several occasions he aided in supplying necessaries for the army, such as oatmeal for the forces at Perth in February 1646, coals for the garrison at Inverness in December previous, and at an earlier date he was placed on the committee for furnishing supplies to the Scottish army in Ireland.[2] In April 1644 he lent the Estates £6000 Scots, to aid in the equipment of the expedition to England.[3] Of the committees of the Estates appointed to take measures for the defence of the kingdom during the recess, he was a member, as well as of the committees of war for his own county.[4] And this activity in the public service appears to have continued until the end of his life.

During the tenure of the Wemyss estates by the first earl they were not only maintained in a flourishing condition, but extended and improved. The following excerpt from Lord Elcho's diary gives in a succinct form the additions made by his father, though under the head of debts :—

"The nott of the debitte that the Earle of Wemyss is aughten at Martimes 1634 to all men ; notted Martimes 1634.

The holle debette that the Earle of Wemyss is aughen att Martimes 1634 is 160,000 marks. This contrakted this way :—

	marks.
One the 1627 he was in debette only in the world, . . .	29,000
1. Therefter he coft East Wemyss—42 chalders wittell—giue for house and itt, ...	92,000
2. Then for Louchhead and Littell Reatth, ...	13,000
3. Then for the four and tuentie eackers in Strathearne to William Moungrive, ...	4400

[1] Acts of the Parliaments of Scotland, vol. vi. pp. 5, 96, etc.

[2] *Ibid.* pp. 7-70, 490, 593.

[3] Bond, dated 10th April 1644, in favour of Earl of Wemyss ; vol. ii. of this work, pp. 227, 228.

[4] Acts of the Parliaments of Scotland, vol. vi. pp. 57, 212, 213, 562, etc.

	marks.
4. Then for Baluires goodwill and writtis of Louchhead, . .	450
5. Then to the Eares of the Maue, ...	3000
6. Then to the leard of Doune of that ilk for the 20 bolls of teind in the Comron, ...	800
7. Then for the teind of Caldcotte to Dauid Balfour for tuo low rents and 19 years leasse, ...	850

All the moneys that he has giuen for lands since the 1627 year of God is to Martimes 1634. Summa is to a penne, 114,500 marks.

Summa boeth the 29,000 marks, 1627, and this summa of 114,500 marks is in all 143,500 marks.

But the whole debt was 160,000 merks, and it is further explained that the remaining 16,500 merks was incurred for three daughters' marriages; that is to say, that amount was then resting unpaid of their tochers.[1]

The lands referred to were not all entirely new acquisitions by the family, as some of them had formerly been in possession and alienated. The estate of East Wemyss was one of the three divisions of Wemyss-shire, and in the fifteenth century was the property of the Livingstones of Drumry. It fell into the hands of an heiress, Margaret Livingstone, Lady of East Wemyss, who married Sir James Hamilton of Finnart. He, in 1530, exchanged it with James Colville of Ochiltree in Ayrshire, for his barony and castle of Ochiltree. For exactly a century East Wemyss remained with the Colvilles, who during that period acquired the lordship of Culross, from which they took their title when created lords of Parliament.

To the Colvilles, East Wemyss can hardly be said to have been a fortunate estate. The barony of East Wemyss was in 1532 augmented by the addition of the lands of Drumdonald in Lochoreshire. But before 1538 it was heavily mortgaged, and in the following year Sir James Colville, who had held the high offices of Comptroller and Director of Chancery under King James the Fifth, was accused of

[1] MS. Diary, p. 38, at Wemyss Castle.

favouring the Douglases, especially Archibald Douglas of Kilspindie, and, submitting to the king's will, was deprived and imprisoned. Colville died before his sentence was pronounced, but his estates were confiscated to the king's use. James bestowed them on Norman Leslie, fiar of the earldom of Rothes, and Elizabeth Lindsay, his wife, mention being made in the gift of an altar of St. Katherine in the parish church of East Wemyss. But Sir James Colville, the son of Sir James, succeeded in getting the forfeiture and the consequent gift reduced. He married Janet Douglas, daughter of the laird of Lochleven. But creditors were so pressing, that her mother, Lady Margaret Erskine, in 1554 apprised the lands of East Wemyss and disponed them in favour of her daughter and her son, James Colville, from whose grandson John, Lord Wemyss purchased them.[1]

When, in 1630, the purchase of this estate from Lord Colville was made, it still lay under considerable burdens. Lord Wemyss had immediate entry to the estate and castle, and for some time made the latter his residence. He is mentioned by his son, Lord Elcho, in a letter to his uncle, the laird of Foodie, in 1636, as lying sick at East Wemyss, and there, in the same year, the marriage of his fourth daughter Elizabeth was arranged. Among the papers at Wemyss Castle is a document dated in 1615 which describes the west part of the castle of East Wemyss, in which Helen Shaw, the wife of James, first Lord Colville, had been infeft. It is said to be comprised of a "laich cellar," a chamber called the "woman hous," two chambers called the "laird's chalmers," another chamber called the "great chalmer," and the "keap hous," with houses "lying to the Westir Tour of East Wemyss called the Bake hous and Brew hous." The castle of East Wemyss is now but a conspicuous ruin.

Lochhead and Little Raith, both parts of the ancient division of Fife known as Lochoreshire, or the barony of Lochore, were acquired

[1] Documents in Wemyss Charter-chest; Acts of the Parliaments of Scotland, vol. ii. p. 353, etc.

by the earl immediately from James Kinninmonth. Both adjoin one another and lie contiguous to Loch Gelly on the south. Lochhead in the sixteenth century was subdivided into three parts, which appertained respectively to the Scotts of Balwearie, the Lindsays of Dowhill, and the Lumsdens of Airdrie. But before 1603 Sir James Scott of Balwearie obtained right to all three parts, and sold all, under reversion, to Kinninmonth. Hence the necessity of purchasing Balwearie's goodwill and his evidents.

Little or Wester Raith was an old possession of the Wemyss family, and was held of the Livingstones of Drumry from the fourteenth century. The superiority of the lands was also acquired at a later period, but both it and the property of Wester Raith were disponed by this earl himself, while fiar of Wemyss, to Kinninmonth. Two other estates, Powguild and Glenniston, which march with Loch Gelly on the east, and are frequently associated in the family charters with Wester Raith, were about the same time disponed likewise by John Wemyss, younger, to David Beatson, afterwards of Carden, whose daughter married a son of Sir James Wemyss of Bogie. Kinninmonth, however, would seem to have been over ambitious of adding estate to estate, and was immediately landed in pecuniary difficulties. His creditors seized on his lands, and the Lords of Session ordered the laird of Wemyss to grant charters of Wester Raith to several of them, including Sir James Wemyss of Bogie, Henry Wemyss of Foodie, and Mr. William Paton, minister at Aberdour. The last-named made out, in favour of his wife and respective children, a large series of charters of the lands and annuities payable therefrom. But Lord Wemyss succeeded in satisfying the creditors, and securing the lands both of Little Raith and Lochhead, and out of the latter he allowed their quondam laird an annuity of £200. One other fact concerning John, Lord Wemyss, comes to light in the documents of these lands. In the instrument of the resignation of Little Raith made by the procurator of Mr. William

Paton in presence of the superior, Sir John Wemyss himself, and in his favour, on 14th June 1626, it is shown that he was at the time residing in Dysart. "Thir thingis were doone in Capitanne Laurence Sinclair his ludging, situat within the burgh of Dysart and rectorie thairof, quhair the said Sir Jhone Weymes makes his present residence." Confirmation of this is also found in an indorsement on a summons from the Lords of Session for production of writs, which was served on Sir John Wemyss of that ilk "att his duelling house in Dysert, and delyuerit to Dame Grey, his spous, in his name."

The twenty-four acres of Elcho were what was known as the Grange of Elcho, or the Westertoun of Cottis of Elcho, and were held in feu from Andrew Moncrieff, commendator of Elcho, by David Wemyss, the grandfather of Earl John. His father, however, had them in his own right, and feued them to the Moncrieffs in turn, and now Earl John bought them back for himself to consolidate his Elcho estate.

The Maw was a small estate of thirty-three acres near that of East Wemyss, a charter of which was granted, in 1421, by Murdach, Duke of Albany, Earl of Fife and Menteith, to Alexander Gaw. The Gaws held Maw until 1632, when Janet Gaw, who inherited the lands from her brother John, sold them to John, Lord Wemyss, with consent of Henry Bruce, her husband.

The other purchases respecting the lands of Cameron and Caldcoits or Innerleven, were merely arrangements for the acquisition of the teinds of these lands from the hands of aliens.

The Earl of Wemyss was also one of the most enterprising coal-owners on the shores of the Firth of Forth, most of his lands in Fife being extremely rich in that mineral. Besides this, he was an extensive salt manufacturer, and a large exporter of both commodities. The Privy Council took a paternal interest in these two articles of commerce, and just about the time the earl succeeded to the estates, the coal-owners of the Forth fell under their displeasure and censure on two occasions.

The incidents are of interest not only in themselves, but as illustrating the importance of the Fife and other coal-fields on the Forth, both at home and abroad.

The summer of 1620, says one Act of Council, was so unseasonable that the winter's fuel of the countrie people had been destroyed in all parts of the land. On former similar occasions the deficiency was met by supplies of "sea coale from the coale-heuches vpon the water of Forth," but of this they were now deprived, with the result that there had ensued "such ane extreme skarsetie of fewell and fire in these parts as numbers of his Majestie's subjects, both to burgh and land, hes beene drivin to great extremitie and want in this kynd that ever people wer subject vnto, in so far as after long stryving with many difficulteis to have overcome this great extremitie of want of fire (without whilk they are not able to live), they wer in end reduced to that pitche of necessitie and want of fire that numbers of them, both to burgh and land, hes beene constrained not onelie to cutt doun and destroy their policie and planting, but their movable tymber work to make fire of it, and some ar resolved to abandoun the places of their birth and duelling, and to retire themselves to others parts quher they may hewe the better commoditie of fire." For the same reason the trades of baking and brewing had been brought to a stand-still. The cause of this, the Act proceeds to say, was "the vnjust and vncharitable doing of the owners of the saids coaleheuches vpon the river and water of Forth, who preferring their immediate gayne to the Christiane bonds of charitie and love, wherewith they ought to be vnite with their nighbours, they preferre strangers vnto them." The charge was that when Scotchmen at much expense freighted vessels and sent them up the Forth for coals, desiring them at once for ready payment, they were refused and put off until all foreign vessels, of which there were sometimes as many as fifty or sixty sail, were served, so that after wearisome and expensive delays, they had often to

depart empty, "to the great hurt of his Majestie's subjects, and to the scandale and reproach of the kingdom, that such ane manifest iniquitie, tending so far to the breake of all good order, policie, and government, sould be tolerat and overseene." To remedy the grievance the council ordained that native ships must be immediately served in preference to every foreign vessel, and at the price and by the measure current for the last three months, under a penalty of £100 for every contravention of the Act, which was to continue in force until the ensuing Easter.[1]

The other Act of Council was not directly of general application to all the coal-owners, but was meant and served as a deterrent to all. On the south side of the Firth an attempt by a combination of the coal-owners to raise the price of coals in the juncture just referred to, was met by a speedy reprimand and warning. Janet Lawson, Lady Fawside, invited the neighbouring proprietors of coal fields to dinner at her castle of Fawside, near Inveresk, on the 5th November, a day of evil memory in connection with the gunpowder plot. There responded to the invitation George, Earl of Winton, Dame Margaret Montgomerie, Countess of Winton, Alexander, Master of Elphinstone, Johnstone of Elphinstone, Sir James Richardson of Smeaton, Robert Richardson of Pencaitland, and David Preston of Whitehill. After dinner it was proposed, amid general applause, that they should one and all raise the price of their coals from three shillings per load to four, and they entered into a bond not to lower the price without the consent of all parties. On the complaint of some of the nobility and inhabitants of East and Mid Lothians, the Privy Council summoned the combination before them on the charge of convening and resolving on matters injurious to the commonwealth, declared their bond unlawful and null, and their persons and goods liable to condign punishment, ordained them to return to the former price, prohibited their selling

[1] Copy decreet, dated 29th November 1620, in Wemyss Charter-chest.

coals to strangers, and dismissed them with the warning that any failure in obedience would subject them to the highest peril.[1]

These decrees, though made to serve a temporary crisis, continued more or less in force during the earl's lifetime, and so late as 1644 legal opinion was taken upon the restrictions contained in them. In 1639, however, some relaxation was given for reviving the export trade in both coal and salt.[2] In the years 1645 and 1646 the earl and others, in name of the coalmasters of the kingdom, presented supplications for remission of the taxation imposed upon their revenues from the commerce in coal and salt for the maintenance of the army. They complained that practically trade was at a standstill through piracy on the seas, sickness on land, and the drafting into the army of all their young and able workmen. They had paid the tax hitherto, but now requested to be relieved of it, and their prayer was granted, at least to this extent, that a proper valuation was to be made.[3]

On his own estates the Earl of Wemyss took vigorous measures for developing the coal. He brought a boring engineer from England to test various parts of the estates, and his methods of operation appear to have been a novelty in Scotland, as Lord Elcho, in his diary, describes these, and gives drawings and explanations of the implements. The earl also discovered and laid open four seams of coal in his lands of Lochhead at Loch Gelly, and was the first to tap and work the coal of Methil. In his days there were in the lands of West Wemyss no fewer than twelve different seams, between the "Glesse Cove" and the west march, that is, the Blair Burn. One coal called the Bowhouse coal is said to have been found first in Dysart ground "beeast the Doubbue Creeaydge att the pleay field quhir the wiches is brunt." The year before his death, on 1st May 1648, the earl wrote

[1] Copy decreet, dated 15th December 1620, *ibid.*

[2] Vol. ii. of this work, p. 225.

[3] Acts of the Parliaments of Scotland, vol. vi. pp. 447, 535.

out an advice to his son about the working of several of these seams, and this advice Lord Elcho preserved in his journal.[1]

In reference to witches, there is a document among the Wemyss papers showing that the earl, when laird of Wemyss in 1626, exercised his baronial powers over those accused of witchcraft. One person named Laverock, who was executed, presumably upon this charge, inculpated James Gray, a burgess of Wemyss, on the charge that he was a warlock, whereupon the laird apprehended Gray and imprisoned him in the tolbooth of the burgh. The man, however, does not appear to have been a dangerous character when at large, for the earl released him to go about his business on giving security to compear when required.[2]

John, Earl of Wemyss, also held the office of Admiral-depute of the Firth of Forth between Dysart and the Water of Leven, an office which he inherited from his father, who, as formerly mentioned, received a grant of it in 1610 from Ludovick, Duke of Lennox, High Admiral of Scotland.

Among the last incidents recorded of this earl's life was the arranging of the marriages of his grand-daughter, Lady Jean Wemyss, and of his own third daughter, also Lady Jean. In the end of March 1649, William, first Marquis of Douglas, penned a pleasant note to the earl, intimating the satisfaction he felt in the fact of his eldest son having set his affection upon the earl's grandchild, and rejoicing in the consent of all parties concerned.[3] The marriage took place at Wemyss on the 26th of the following month.[4] In the case of his own daughter, it was the arrangement of her second marriage, to Colonel Harry Maule, and this was effected at Wemyss and Ballasheen in the beginning of August, the marriage being celebrated at Wemyss Castle

[1] MS. Diary of David, Lord Elcho, afterwards second Earl of Wemyss, pp. 12, 17, 42-45, 92.

[2] Vol. ii. of this work, pp. 313, 314.

[3] Vol. iii. of this work, p. 94.

[4] Lamont's Diary, p. 4.

on the 9th of that month.[1] In November of the same year, however, two events of a very different nature took place at Wemyss. The earl's daughter-in-law, Lady Elcho, died there on the 10th, and on the day of her burial, Thursday, the 22d, the first Earl of Wemyss departed this life about 10 o'clock. He was buried, says his son, in his own burial-place, in his aisle at Wemyss Kirk the 4th day of December 1649.[2]

The family papers throw but little light upon the private and domestic life of the earl, but from what has been stated concerning his public and official appearances, it is evident he was a man of a quiet and unobtrusive disposition, who yet did not shrink from diligent and fearless discharge of duty when that was called for. Like many of the other Fife lairds, he was a consistent and zealous presbyterian, and this at a time when estates and even life were liable to be exacted as the penalty. The honours he acquired he bore with ease and dignity. These still flourish as the chief titles of the family, while his reconsolidation of the territory of Wemyss-shire still exists as a monument of his prudence and sagacity.

John, first Earl of Wemyss, married, as formerly mentioned, Jean, eldest daughter of Patrick, Lord Gray, and with her he lived in wedlock for thirty years. She died at Easter Wemyss on 17th August 1639. They had issue one son and five daughters—

David, Lord Elcho, who succeeded his father as second Earl of Wemyss, and of whom a memoir follows.

The daughters were—

1. Lady Mary, who married John, Lord Sinclair, whose chief residence, Ravenscraig Castle, near Dysart, was only a short distance from Wemyss. Their marriage contract was dated at the Canongate of Edinburgh, and at Wemyss, the 13th and 15th July 1631, and provided that the marriage should

[1] Lamont's Diary, p. 8.

[2] MS. Diary, p. 78.

be celebrated before the ensuing 10th August. Lady Mary was to be infeft in liferent by Lord Sinclair in certain lands, with twelve loads of coals weekly at his coal-hill of Dysart, so long as his coal at Dysart was "ane gangand coal," and a chalder of salt yearly. Her dowry was £12,000 Scots, for which John, Lord Sinclair, granted a complete discharge in November 1632.[1] They had issue one daughter, Catherine, who inherited both the estate and honours of her father, and became Baroness Sinclair. She married Sir John Sinclair of Herdmanston, and was ancestress of the present Earl of Rosslyn. She was served heir-general to her mother on 10th May 1662.[2]

2. Lady Anna, who married Alexander Lindsay, son and heir-apparent of David Lindsay of Edzell, and his wife, Margaret Wishart. Their contract is dated at Perth, 30th December 1631, and in terms of it the bridegroom's parents were to receive the young couple into household with themselves, and entertain them and their children in a manner befitting their estate, otherwise they were to have the house of Auchmull as a dwelling-place. The tocher given with the bride was 16,000 merks.[3] They had issue a daughter, who married Walter, Lord Torphichen, and as Dame Jean Lindsay, Lady Torphichen, she was afterwards served heir to her mother.[4] The first husband of Lady Anna Wemyss, however, did not long survive, and she married as her second husband Mungo Murray, second Viscount of Stormont, Lord Scone, being also his second wife. The contract was made at Edinburgh on 18th October 1639, and arranged that Lady

[1] Original contract and discharges in Wemyss Charter-chest.

[2] Inquis. Retor. Gen. Abbrev. No. 4575.

[3] Contract in Wemyss Charter-chest.

[4] Inquis. Retor. Gen. Abbrev. No. 3779, 16th April 1653.

Anna should bring with her to the viscount the liferent use of the lands to which she was provided on her former marriage.[1] Of this marriage there was no issue, and before 11th March 1642, Lady Anna was once more a widow, Mungo, Viscount of Stormont, being then mentioned as lately deceased. In a document of that date, John, Earl of Wemyss, and two others, are commissioned by the Privy Council, at the request of the heirs of the deceased viscount, to proceed to Scone or Huntingtower, or wherever his charter-chest was, and seal up the same. The heirs were James Murray, Earl of Annandale, and David Murray, Lord Balvaird, and to them John, Earl of Wemyss, delivered up the key of the charter-chest of Scone on 30th August 1647, receiving their formal acknowledgment for the same.[2]

Lady Stormont died on 20th September 1643 in her father's house at Wemyss, where, on the 14th of that month, during her last illness, she made her will, desiring among other things that she might be buried in the kirk of Wemyss. Her estate, according to the inventory of Lord Elcho, her brother and her executor, was worth £27,788 Scots, most of which was left to him for behoof of her daughter, Jean Lindsay, afterwards Lady Torphichen. Among her few legacies was one of 2000 merks to her minister at Scone, Mr. David Wemyss, and another to Janet Wemyss, daughter of the laird of Pittencrieff.[3]

3. Lady Jean, who married Sir Alexander Towers, younger of Garmilton, also of Inverleith, eldest son of Sir George Towers of Garmilton, and Dame Jean Ker. Their marriage contract is dated at the Canongate of Edinburgh, and Wester

[1] Contract in Wemyss Charter-chest. [2] Vol. ii. of this work, pp. 226, 230.
[3] Testament-dative in Wemyss Charter-chest.

Wemyss, 5th and 9th August 1633. The tocher of Lady Jean Wemyss was 20,000 merks.[1] Sir Alexander Towers died between 1644 and 1648, and Lady Inverleith, younger, renounced her liferent provision in Inverleith, in favour of her son, John Towers, in order to ease the burdened condition of the estate, she receiving the sum of 20,000 merks and an annuity of 400 merks so long as she continued in widowhood.[2] Lady Jean Wemyss, however, soon afterwards married as her second husband, Colonel Harry Maule, second son of Patrick, Earl of Panmure. Their contract is dated at Wemyss and Ballasheen, 1st and 3d August 1649, and the Earl of Panmure agreed to renounce in their favour the barony of Balmakellie, in the county of Kincardine. 24,000 merks were given by the Earl of Wemyss and Lord Elcho as the bride's tocher, which were to be invested in land or annuities by their advice and that of Sir John Wemyss of Bogie.[3] Of this second marriage there was issue at least one son and one daughter, for both of whom Lady Jean Wemyss made provision in her testament, which she made when at Arbroath, on 1st August 1655.[4] She died before 10th May 1662, when Sir John Towers of Inverleith was served heir-general to his mother.[5]

4. Lady Elizabeth, who married John Aytoun of that ilk. Their contract is dated at Easter Wemyss, 15th April 1636. Among other things it was agreed that Lady Elizabeth should be infeft in the lands of Glenduckie and others in

[1] Discharge for same by Sir George Towers, 15th November 1634, in Wemyss Charter-chest.

[2] Disposition by John Towers of Inverleith and his curators, among whom were John, Earl of Wemyss, David, Lord Elcho, and Sir John Wemyss of Bogie, dated 17th January 1649, in Wemyss Charter-chest.

[3] Contract in Wemyss Charter-chest.

[4] Vol. ii. of this work, pp. 241, 242.

[5] Inquis. Retor. Gen. Abbrev. No. 4574.

Fifeshire, John Aytoun undertaking to build a dwelling-house befitting her rank upon the lands of Glenduckie, "containing ane hall and ffoure chalmberis, and other office houssis corresponding thereto," and until that were done to lend her the place of Aytoun. Her tocher was 13,000 merks.[1] They had issue. Their second daughter, Anna, married, on 11th January 1670, James Wemyss, younger of Balfarg, a great-grandson of Sir James Wemyss of Bogie, and their heirs-male were among the heirs of entail in the marriage contract of Sir James Wemyss of Burntisland and Lady Margaret Wemyss, daughter of David, second Earl of Wemyss, in 1671.[2]

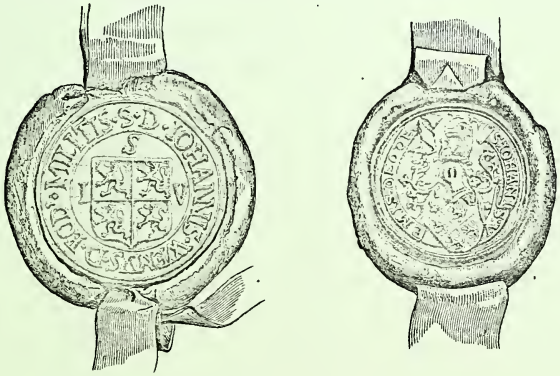
5. Lady Catherine, who married David Carnegie of Craig, in the county of Forfar. He was a son of Sir John Carnegie of Craig and Jane Scrymgeour (Dudhope), and grandson of David, first Earl of Southesk. The contract is dated at Wemyss, 12th December 1654, and the marriage was celebrated there on the 28th of the same month. It was agreed that Lady Catherine should be infeft in the baronies of Craig and Ulishaven and other lands, and in the manor of Ulishaven as a dwelling-place. Her tocher was 18,000 merks. There was no issue of the marriage. The laird of Craig dying about the year 1663, Lady Catherine Wemyss married, secondly, on 16th August 1664, in her house at Edinburgh, Sir Andrew Ker of Greenhead. Lamont says, "The nixt day they went out of towne to his dyelling-howse (in the south). Few or none of hir frinds were satisfied with this match." Sir Andrew Ker died in May 1665, at Greenhead, and after surviving him for about three years, she died on

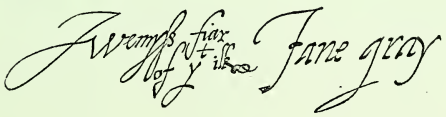
[1] Contract in Wemyss Charter-chest.

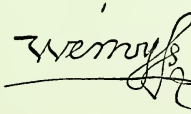
[2] Lamont's Diary, p. 216. See also subsequent pages of this volume.

24th February 1668 at Dysart, and was buried during the night in Lord Sinclair's aisle in the church of Dysart. She left no issue.[1]

[1] Contract in Wemyss Charter-chest. History of the Carnegies, Earls of Southesk, by William Fraser, pp. 121, 122. Lamont's Diary, pp. 83, 171, 204.







XVI.—David, second Earl of Wemyss.

The Hon. Anna Balfour (Burley), his first wife.

Lady Helenor Fleming (Wigtown), his second wife.

Lady Margaret Leslie (Rothes), his third wife.

1649—1679.

On the death of John, first Earl of Wemyss, his only son, David, Lord Elcho, succeeded as second Earl, and enjoyed the title and estates for thirty years, during one of the most stirring periods of Scottish history. This nobleman possessed great energy of character, which he displayed both in public and private affairs. In his earlier days he participated in the struggles connected with the national covenants in the reign of King Charles the First. He lived under the Commonwealth of Cromwell, and he witnessed the Restoration of King Charles the Second. During these successive governments he took an active part in the civil, military, and ecclesiastical business of the country. He was regular in his attendances in Parliament and Council, and in the General Assembly; while in his military capacity he had to cope with the great Montrose in one of his brilliant battles. The energies of Earl David were not, however, confined to the affairs of the nation,—stirring and exacting as these often were. He took a great personal interest in the management of his extensive landed estates, and in the development of the mineral wealth with which they abounded. He was thrice married, and had a large family of sixteen children. Ten of these were sons, and they all predeceased their father. His third wife was the most distinguished of his matrimonial alliances, being sister of the Duke of Rothes. They were equally

matched in this respect that the earl had two wives before her, and she had two husbands before him. She was the common ancestress of the three noble houses of Leven, Buccleuch, and Wemyss. To her may be directly attributed the creation of the liferent title of Earl of Tarras for one of her sons-in-law, and also the dukedom of Buccleuch for another son-in-law; while she was very active in arranging the Restoration of King Charles the Second. Tradition points to the very part of the dining-room in Dalkeith House where the resolution was finally arranged by General George Monck, who was then custodier of the little Countess of Buccleuch, the elder daughter of the managing mother, who, for good deeds done to King Charles the Second, received from him an annual pension of £500 sterling.

David, Earl of Wemyss, left a manuscript journal or diary, in which he recorded many of the events of his life, from the year 1634, which has afforded some material for the present memoir.

He was born on the 6th of September 1610, and in his seventeenth year, while young laird of Wemyss, he married the Honourable Anna Balfour, daughter of Robert, Lord Burley. Earl David himself states in his diary that the marriage took place at Falkland, the residence of Lord Burley, on the evening of 4th February 1627, the ceremony being performed by Mr. William Schetho, minister there.[1] No written contract of marriage was made previous to the marriage. But a post-nuptial contract was entered into between the young husband and wife on the 25th July of the following year, 1628. To that contract the parents of the young couple were parties. Lord Burley was to pay as his daughter's tocher 28,000 merks, and Lord Wemyss obliged himself to infeft his son, then the Master of Wemyss, and his spouse in certain lands, to give them the westmost new salt pan in Wemyss, with panwood thereto from the nearest coalheughs,

[1] MS. Diary, pp. 78, 360. On the latter page he says 1628. But this was written at a later period of life, and he elsewhere states that his first son was born on 22d November 1627.

and fifty-two dozen loads of coal yearly. The Master and his wife were to live in household with Lord Wemyss for five years, or otherwise to have the manor place called the Chapel of Wemyss for a residence along with a suitable allowance for maintenance.[1]

It appears that the Master preferred the Chapel as his residence, and lived there after his marriage in 1627 until 1639, when on the death of his mother, he returned with his wife to live with the earl at the castle, which continued to be his residence during the remainder of his life. Several of his children, however, were born at the Chapel. The Chapel of Wemyss was situated about a mile west of Wemyss Castle, and not far from the western limit of the parish. Like the castle it stood close to the sea-shore, but instead of topping the cliff, was backed by it.

The Master of Wemyss commenced his diary with an account of housekeeping expenses for the year 1634. In his household at the Chapel he had two gentlemen to ride with him, one of whom kept a horse, while the Master supplied the other with a steed, and paid them yearly 200 merks; his steward received 50; his cook, 40; two footmen, 80; a man "to calle [drive] ane pan ceairt," 30; his falconer and an assistant, 80; Alexander Wemyss, "for keiping the salt of my pans," 100; and "Jo. Angouse for salt girnills," 18; in addition to which 200 merks were paid to his wife's two gentlewomen and "quins" or maids; amounting in all to 788 merks.

Of the Chapel there are now but few remains, but it is still noted for its garden, which, during his residence here, Earl David appears to have entirely renovated. He expended £200 in stocking and arranging it, and with his usual methodical habits, drew out a plan of it, so that the several flower and herb plots might be known, and also the name of every tree round the walls.[2]

[1] Original extract contract of marriage at Wemyss Castle.

[2] MS. Diary, pp. 1, 41.

As soon as David, Master of Wemyss, reached his majority, his father resigned all, or nearly all, his estates, including the newly acquired barony of East Wemyss,[1] in his favour, and the Master received a crown charter of the lands, the liferent being reserved by his father. By this charter the lands were further consolidated into the single barony of Wemyss, though it embraced not only Wemyss-shire, but lands around Lochgelly, as well as Dron, Elcho, and Kinnaird in the county of Perth. Methil is not included in that charter, but in 1635 similar procedure was taken in regard to it, infeftment being given to the Master on 4th July. This appears to have completed these arrangements, and in the same year occurs the following entry in Earl David's diary:—

My Lord, my father, hes sett me doune frie with my two salt pans and my threittie chalders of wicktuall be yeire, peing all the debettes that I haue contrackted befor Quttsunday terme in May 1635, whilk debtt was paid 7400^{m} by—4000^{m} for cloeths.[2]

By this time, through the creation of his father as Earl of Wemyss, the Master of Wemyss had assumed the courtesy title of Lord Elcho, and by that title he was known during the remainder of his father's life. He cordially supported his father in his adherence to the Covenanting cause, and in the stirring events which ushered in the second Reformation and the subsequent rupture with King Charles the First, Lord Elcho himself took a somewhat prominent part. He subscribed a complaint by the nobles addressed to the Marquis of Hamilton, the king's commissioner, respecting the searching of Scottish ships by English cruisers.[3] At the General Assembly at Glasgow in 1638, he took an active part against the bishops, being one of the complainers

[1] In the Instrument of Resignation, which is dated 17th December 1631, and Charters, etc. following thereon, dated 14th January 1632, East Wemyss is not mentioned, being included in the wider name of Wemyss-shire. But a special grant of it and Cameron was made by John, Lord Wemyss of Elcho, to his son on 30th April 1631. Original documents in Wemyss Charter-chest.

[2] MS. Diary, p. 39.

[3] Gordon's History of Scots Affairs, vol. i. p. 123.

against them to the Assembly, and one of those who, when the case of the bishops was called, and their declinature and protest put in, took instruments in name of the complainers that the bishops had acknowledged their citation and compeared by their procurator, and that, though wilfully absent in person, they could yet be proceeded against as if present.[1]

In the following year, 1639, when Huntly began to threaten disturbance in the north of Scotland, and Montrose and Leslie were sent by the lords of the Covenant to keep him in check, David, Lord Elcho, accompanied them. The army entered Aberdeen on the 30th March. They remained several days in the district, when Huntly, despairing of receiving assistance, and unable to cope with the army of the Covenanters, desired and obtained an interview with Montrose. The two leaders met near Inverurie on Thursday, 4th April, each being accompanied by eleven of his officers, armed with swords only, and from the fact that of the eleven who accompanied Montrose the names of two only are mentioned, Lords Elcho and Coupar, it may be inferred that Lord Elcho was at this time in high repute in the army. The conference was continued until the following day, when an agreement was arrived at. The Covenanting army left Aberdeen on the 12th and 13th of April, and Montrose, contrary, it is said, to the agreement, carried Huntly with him to Edinburgh, where he was imprisoned.[2] Lord Elcho was back in Edinburgh in time to join with his father and the other Covenanting nobles, on 19th April, in signing the letter to the Earl of Essex, in which they remonstrate with him for his warlike preparations against them.[3] Perhaps he then returned to Wemyss, for he writes as if he were there in person when the Marquis of Hamilton sailed up the Firth of Forth with his fleet of

[1] Gordon's History of Scots Affairs, vol. i. p. 127. Baillie's Letters and Journals, vol. i. pp. 124, 137.

[2] Spalding's Memorialls of the Trubles in Scotland, etc., vol. i. pp. 153, 160.

[3] Balfour's Annals, vol. ii. p. 348.

English ships to bring the Scots to terms. Lord Elcho notes this event in his diary as follows :—

> The Marquiss of Hamiltoune cam in this firth with 40 ships of Ingland and 5000 fitt of Inglish. One the 1 of May 1639, he did first appeire to us att Wemyss. He did leay doune betuix Leith and Bruneiland, and refreshed his men on the eillands of Inshkithe and Sant Collmes, and drilled his men on thoes eillands sum 20 day, and did ship sum 3000 of them, and did cearie them to Beruick, and landitt them ther about the 24 May 1639, and joyned them to the king's armie, quhoe was leiing ther for the time att the Birks in the south seid of Tuide ouer ageainest Foulden one our Scottish seid in the Mersse, and one the 15 June that peace was mead betuix his Maiestie and ws for that time, and the Marquisse went away (newer onse did offer to land in Scottland) one the 28 June 1639.[1]

But yet his being at Wemyss on the occasion is doubtful, for he was in Edinburgh on the 9th May to attend Parliament, and there subscribed the letter sent to Hamilton by about forty of the chief lords and gentlemen of the Covenant.[2] It would scarcely be possible to cross the Firth without great risk of capture.

Lord Elcho also accompanied the Scottish army into England in August of the following year, 1640. He was colonel of a regiment of infantry raised in Fife, which mustered about 700 strong,[3] and took a considerable part in the military service of the country. He left Wemyss on 20th July, and joined his regiment at Leith, marching thence to Haddington on the 23d, and arriving at "Choushie Wood" on 28th July, where the whole Scottish army rendezvoused. They crossed the Tweed on the 20th of August at Coldstream to a new camp at "Cornuall Hill," the colonels wading the river in front of their men, and of the whole army only one of Montrose's men was drowned.[4] The army was in England for the space of a year, and Lord Elcho remained with it in or about Newcastle; but he gives no account of

[1] MS. Diary, p. 59.

[2] Burnet's Memoirs of the Dukes of Hamilton, p. 126.

[3] Spalding's Memorialls, vol. ii. p. 373.

[4] MS. Diary, p. 53.

the events of the campaign or of his stay. He notices, however, the return of the army, the passing of King Charles through it on his way to Edinburgh, and the arrangements made with the English Parliament. He says:—

The Scottish armie cam to Scottland ageane from Bishoprick and Newcastill and Northumberland. We did begine our march touards Scottland, boeth horsse and fitt, one the 20 of Agust 1641, and we did crosse the riuer one the 23 Agust 1641, and did leay doune our lidger att the Hirshill Law, which then did belong to the Earle of Home; and we did bring with ws of monys out of Ingland (which the steatte of Ingland head giuen ws to a count of thoes monys they wer conditionat to giue ws munthly to menteine our armie—100,000$^{li b}$ starling, or 1,200,000$^{li b}$ Scots), and ther we did giue euery man sum quhatt of the sead soumme, and did disband our armie ther att the Hirshell Law one the 25 of Agust 1641, being one ane Weaddinsday, and so euery Regiment, horse and fitt, did march home to thir seuerall shires from quhence they war leuied att first. We was 20,000 men, horsse and fitt, quhen we did disband one that day. The kingdome of Ingland did agrie to giue ws, be consent of ther king and oures, and ther Parlament, dayly, 850$^{li b}$ starling, mounthly it was 25,500$^{li b}$ starling, yeirly itt is which was peid ws 306,000$^{li b}$ starling. And likways the Parlament of Ingland did condissend and agrie to giue ws (as they did terme itt) to thir brithren in Scottland, ane brotherly assistance of 300,000$^{li b}$ starling in ane soumme. But treuly itt was to cause ws goe home and not to trubel them any more; so before we did march all arriradgis was peid ws, and 80,000^{li} of this 300,000^{li}, and the Parlament was bound be ther acte, and nobellmen and gentilmen of the louer housse, to peie ws 110,000^{li} at midsumber 1642, and the other 110,000^{li} starling to be paid att midsumber 1643 preseisly. And befor we did march out of Ingland our king and thers boeth, cam thorrow our armie at Newcastill one the 19 of Agust 1641, and so our Parlament was sitting with his Maiestie att Edinburgh befor euir we did march home to seattisfie all our griuances in kirk and steatte, as itt was done to ws to the full. For the king appointed ane assemblie att Sanct Androus one the 21 July 1641, which was transported be the Assembly to Edinburgh quher the Earle of Wemyss was his Maiesties hie Commissioner tu itt, which enditt happlie one the 16 day of Agust 1641 att Edinburgh. And the Parlament and Assembly was boeth sitting together att Edinburgh. The Parlament did closse happily on the 24 of Nouember 1641, and the king mead all the nobellmen supe with him that night in the Abie, and went his ways to Lundon one Thursday 25, 1641, and cam heaplie to Lundon one the 2 Desember 1641.[1]

[1] MS. Diary, pp. 54-56.

Lord Elcho's regiment was disbanded on 25th August 1641, when he notes having "fitted" his regimental accounts, and that on 11th February 1642 there was still due to him the sum of £7852, 16s. 4d. Scots.[1]

He was a member of the Parliament which sat in Edinburgh in the autumn of 1641 under the presidency of King Charles the First. The only work in regard to which he is specially mentioned is as auditing the accounts of the commissary-general of the army, and of several regiments in arrears of pay which it was deemed desirable to disband.[2]

In his diary Lord Elcho mentions the plot concocted against Argyll and Hamilton, known as "The Incident:"—

Ther was ane tresunabell plotte discouered 12 October 1641 ageanest James, Marquisse of Hamiltone, and Archbald, Earle of Argyill, to haue killed them att Holiruddhouse, in the king's withdrawing roume, becaus they did oppose the king and ther faction in Parlament, and they wer only seiking his Maiesties well and peace of the kingdome. The Earle of C[r]aforde and Wille Muray, groume of the king's bead chamber, and one Collonell Couchren, should haue beine prime actores. The king was frie of itt. But ther cruell men was offitius in such desinges. So matters was packed vp after sum 8 or 10 day stay of the Marquisse Hamilton and Argyill in Kinnille, and the king closed the Parlament himself happly and peaceably one the 17 Nouember 1641, and went his ways for Lundon from Holliruidhouse the 18 Nouember 1641, with content.[3]

In May 1642, on behalf of the Covenanters, Lord Elcho appeared before the Privy Council in support of a petition to them, respecting the answer to be made by the Council to a letter from the king, when a party called "the Banders" were seeking to enlist the assistance of

[1] MS. Diary, p. 66.

[2] Acts of the Parliaments of Scotland, vol. v. pp. 355, 371, 662.

[3] There is a discrepancy here with Lord Elcho's former statement about the closing of the Parliament and the king's departure to the extent of a week. Spalding says that the king left Edinburgh on the 18th, and arrived in London on the 25th November, though Baillie states that he spent some days at York on the way. [MS. Diary, p. 66. Memorialls, vol. ii. p. 86; Baillie's Letters, vol. i. p. 396.]

Scotland for the king against the English Parliament. The Council gave effect to the petition by remitting the matter to the meeting of the Estates.[1] Later in the same year, on 6th September, Lord Elcho was present in Aberdeen at the marriage festivities of his cousin, Hew, Master of Lovat, with Anne Leslie, second daughter of General Alexander Leslie, first Earl of Leven. They were entertained at a banquet by the city, and afterwards rode to Frendraught, the residence of the viscount of that name. His eldest son James, the second viscount, was the husband of Margaret Leslie, the eldest daughter of the General. After being entertained hospitably by the relatives at Frendraught, Lord Elcho accompanied the Master of Lovat and his bride to Lord Lovat's residence, and thence to Edinburgh.[2]

Lord Elcho was also a member of the General Assembly of 1643, and with his father, strenuously but vainly, opposed the translation of their minister, Mr. George Gillespie, from Wemyss to Edinburgh. To suit the meeting of Parliament the Assembly was transferred from St. Andrews to Edinburgh, and Baillie mentions that Lord Elcho was one of the nobles who rather avoided the Royal Commissioner, preferring to devote himself to the business of the State. The Assembly sat in the forenoon, and the Parliament in the afternoon. At the close of the Assembly Lord Elcho was appointed a member of the commission.[3]

Before separating, Parliament found it necessary to call up the forces they had so recently disbanded, and Lord Elcho was re-nominated as colonel of one of the regiments of Fifeshire infantry.[4] In February 1644 he was added to the committee of Estates remaining

[1] Spalding's Memorialls, vol. ii. p. 148.

[2] *Ibid.* pp. 186, 187.

[3] Baillie's Letters, vol. ii. pp. 45, 47, 85; Peterkin's Records of the Church of Scotland, p. 359.

[4] Acts of the Parliaments of Scotland, vol. vi. Part i. pp. 51, 83, 90.

in Scotland for managing of affairs, and in the following April was appointed to the command of the infantry about to be employed in opposing the Marquis of Huntly in the north of Scotland. The commission was dated on the 16th of April,[1] and on the day immediately following, Lord Elcho, with eight hundred men of Fife, was at Dundee on his way to the scene of action. Aberdeen was entered on 2d May by a well-appointed army of two thousand foot and four hundred horse, under the leadership of the Marquis of Argyll, but by that time Huntly had withdrawn to his own country. The Earl of Kinghorn, who had come with a regiment of men from Forfarshire, was established governor in Aberdeen, and then the army marched out on the 4th as far as Udny, and thence on the 6th to the castle of Kellie, which had been fortified by the Laird of Haddo against them. It was surrendered, however, on being summoned, and the army proceeded to Gicht, which also surrendered, and was garrisoned by Argyll. On the 13th May Lord Elcho was left in command of the camp at Kellie, and three days later attended the meeting at Turriff, whither all the landed proprietors of Aberdeen, Banff, and Moray had been summoned. He was present on the 24th at a meeting of committee in the Tolbooth of Aberdeen, where the recusants were dealt with, and on the 27th, along with the Marquis of Argyll and Lord Burley, Lord Elcho was made a burgess of the town.

On the last day of May Lord Elcho's regiment was transferred to Aberdeen in place of the Earl of Kinghorn's, which, with some others, was disbanded. The House of Drum also required a garrison, and a troop of 60 horse was left by Argyll with Elcho in case of need. Argyll then took his departure, and Elcho was left to garrison Aberdeen alone. On the 4th of June the Parliament met in Edinburgh, and by it Lord Elcho was instructed to take means for uplifting the taxation imposed upon the counties of Aberdeen, Banff, and Kincar-

[1] Vol. ii. of this work, p. 229.

dine, in conjunction with Lord Burley's committee for northern affairs. That he did so is evident from the grievous complaints of the writer of the "Memorialls of the Trubles," who, in regard to the procedure of Lord Elcho and his associates, remarks, "Hell hatchit neuer sic peices for wrak of the countrie, and that none sould escaip." Lord Elcho remained in Aberdeen until 17th August, when, with his lieutenant-colonel, Charles Arnot, he rode hastily southwards, leaving his regiment still in Aberdeen at the service of Lord Burley. The chronicler adds that Arnot came again, but Elcho "returnit not."[1]

Lord Elcho's sudden departure seems to have been occasioned by a number of his men becoming homesick, and returning to their families without permission. He went to Fife to bring them back to their colours. A letter from Lord Burley followed him a week later with the news of the landing of the king's Irish troops, and their threatened descent on Aberdeen. New levies required to be made, and Lord Burley rather congratulated Lord Elcho on his absence, as it had been found expedient to intrust the supreme command of these troops to Lord Gordon. Elcho's own Fifeshire regiment was retained in Aberdeen, and he was desired to hasten the return of the lieutenant-colonel and the rest of the officers.[2] Had Lord Elcho been in Aberdeen at the time it would have been his duty to raise new troops and arrest the progress of the invaders. The Highlanders, however, rose more readily under their native leader, Lord Gordon, and Lord Elcho's absence was so far opportune, while he found ample employment elsewhere. Instead of descending on Aberdeen, the Irish effected a junction with the Marquis of Montrose, who was now in the field in the interests of King Charles, and under his leadership they directed their march upon Perth. All the available troops, between six and seven thousand, but most of them new levies, were

[1] Spalding's Memorialls, vol. ii. pp. 353-397; Acts of the Parliaments of Scotland, vol. vi. Part i. pp. 105, 175; vol. iii. of this work, pp. 88-91.

[2] *Ibid.* pp. 90, 91.

at once placed at the disposal of Lord Elcho, and he stationed himself several miles west of Perth to prevent it falling into the hands of Montrose. John Graham, Lord Kilpont, eldest son of the Earl of Menteith, another of the covenanting leaders, was stationed in Glenalmond with 400 men to guard the pass there. But the spell of Montrose, as chief of the Graham clan, seduced Kilpont, and his contingent swelled the ranks of the enemy opposed to Lord Elcho, in whose camp also the same element of treachery was at work.

The opposing forces soon came into conflict. The fullest account of the battle, which was fought at Tippermuir in Strathearn, is that given by Dr. Wishart, the biographer of Montrose. The covenanting forces, he says, were awaiting the arrival of Montrose, drawn up in battle array, "commanded by Lord Elcho, who was not reputed an extraordinary soldier, and they had likewise with them the Earl of Tillibardine, and Lord Drummond; but the last, it was alleged against his inclination, he and all his father's family being inclined to the king; besides several knights, among whom Sir James Scot was remarkable for his skill in military affairs, having served some time in the Venetian army with applause. Their army consisted of six thousand foot and seven hundred horse."

Several ministers encouraged the army by reminding them of the Covenant they had solemnly sworn, and promising an easy victory. Lord Elcho commanded the right wing, Sir James Scot the left, and the Earl of Tullibardine the main body. The wings were covered by some troops of horse. Montrose's army consisted of little over two thousand foot, and he had no cavalry. He disposed his forces in order of battle, and then sent the eldest son of Lord Maderty to the chiefs of the Covenanters' army requiring them to lay down their arms, and return to their allegiance. Their only reply was to seize the messenger and send him as a prisoner to Perth.

The battle was begun by some skirmishers from Lord Drummond's

quarter, but Montrose routed these, and drove them back in confusion. Then before the Covenanters had time to re-form he fell upon them with his whole line. They fired their cannon, and advanced to meet Montrose, but were immediately broken up, and began to retreat. Sir James Scot maintained resistance longest, striving to gain the higher ground. But the more agile Highlanders were before him, and the rout became general. About two thousand of the Covenanters were slain, many were taken prisoners, and all their cannon, arms, and stores fell into the hands of the victors.[1]

Such, in effect, is the story of the battle as told by Wishart, and it may be accepted as accurate in the main. Doubtless the desertion of Kilpont, and his presence in the ranks of Montrose, exercised a sinister influence on Lord Elcho's troops, who were composed of similar material, although Baillie at first imputed the disaster to the rashness of Lord Elcho, who, he said, "sett on them" without officers or ministers, and before he had been joined by Lord Drummond and the laird of Gask. But other writers, and Baillie himself in a later letter, correct this first and erroneous impression, and rightly impute it to the treachery of these very men, who immediately after the fight went openly over to Montrose. "The villany," says Baillie, "of my Lord Drummond, and his friend [Gask], in the point of joyning, exhorting to flee, according as by his letter he had appointed the night before, struck the rest with a pannick feare, so that near six thousand of very good and brave men fled, leaving eight piece of cannon and the most of their arms. In the faught not ten were killed; but in the flight some hundreds of the honest burgesses of Fyfe did fall. The villaines gave no quarter; not a prisoner in the field was taken; Perth rendered at the first summonds."[2] Against such unexpected treachery Lord Elcho could not have led the best troops to victory, far less raw and untrained levies.

[1] Wishart's Memoirs of Montrose, pp. 75-81.

[2] Baillie's Letters, vol. ii. pp. 225, 233, 262.

The Estates do not seem to have considered Lord Elcho censurable for this defeat, for in January 1645 they appointed him, along with Lieutenant-General Baillie, as one of the committee for directing the war against Montrose. Baillie was in nominal command of the army, but the Marquis of Argyll and others assumed the real direction of affairs, and their want of harmony led to disaster after disaster. Lord Elcho and his regiment took part in the campaign. They were engaged in the battles at Alford and Kilsyth, and suffered heavily. At the former they lost all their baggage and stores, but on supplicating Parliament they were equipped anew. When, in the beginning of 1646, the regiment was disbanded, a large amount of arrears of pay was due to Lord Elcho. He had disbursed to his soldiers £6416, 8s. Scots, beyond what he had received, and his own arrears of pay amounted to £3222, 4s. Scots,—in all £9638, 12s., for payment of which he petitioned Parliament. It was not only his own case, however, with which he approached the Estates. The petition prayed them "to appoint some solide cours quherby the suplicant may be preserved from rwine, and the poore widowis and fatherles children of these who loissed ther lyues in the publick service may have some meanis of subsistence and liveliehood dew to them for the arrearis of ther vmquhile husbandis and fatheris killed in the publict service." Parliament allowed the debt, and ordered it to rank among others for payment by the Estates.[1]

Owing to the threatening aspect of affairs in England, the Scottish Parliament, in 1648, found it expedient to resuscitate the army, and Lord Elcho was reappointed to his former command of colonel of one of the regiments of infantry to be raised by the county of Fife. An extensive levy of men was ordered, but the measure was most unpopular, and was entirely opposed by the Kirk, and some of the nobility, led by the Marquis of Argyll, who, from their strict adherence to the national

[1] Acts of the Parliaments of Scotland, vol. vi. Part i., pp. 298, 356, 469, 547, 656, 734; Baillie's Letters, vol. ii. pp. 418-421; vol. ii. of this work, p. 229.

covenants, got the name of "the honest party." Their opponents, who were distinguished as the "politic-presbyterian party," were in a large majority in Parliament, and carried everything before them.[1] Their object was to implement the terms of "the Engagement" made by the Scotch Commissioners at London, with the king, by sending an army into England to oppose Cromwell. The expedition, led by James, Duke of Hamilton, entered England and got as far as Preston in Lancashire, where Cromwell met them, and inflicted on them an overwhelming defeat.

Lord Elcho does not appear to have taken any part in this expedition. Indeed, his sympathies were with the "honest party," and as soon as the overthrow of the political Presbyterians was known in Scotland, he is found taking part with the Marquis of Argyll to secure the ascendancy of his party. He is not mentioned in connection with the Whigamore raid, by means of which the change of government was effected; but he was one of the deputation sent by the "honest party" to Berwick, in response to an offer from Cromwell, to accept the assistance of himself and his army against their opponents.[2] Cromwell himself relates the incident in a letter to Speaker Lenthall.

I did, upon Thursday, 21st September, and two days before, the Tweed being fordable, march over Tweed, at Norham, into Scotland, with four regiments of horse, and some dragoons, and six regiments of foot, and there quartered, my headquarters being at the Lord Mordington's house. Where, hearing that the Marquis of Argyll, the Lord Elcho, and some others were coming to me from the Committee of Estates assembled at Edinburgh, I went on Friday, 22d September, some part of the way to wait upon his lordship. Who, when he was come to his quarters, delivered me a letter of which the enclosed is a copy, signed by the Lord Chancellor, by warrant of the Committee of Estates. And after some time spent in giving and receiving mutual

[1] Acts of the Parliaments of Scotland, vol. vi. Part II., pp. 30, 55.

[2] Before entering Scotland, Cromwell sent two of his officers, Colonel Bright and Scout-Master-General Roe, to the Marquis of Argyll to consult about assisting them, and the best way of doing so. Their party, he tells the English Government, was not above 6000 strong. [Rushworth's Historical Collections, vol. ii. Part IV. p. 1273.]

satisfaction concerning each other's integrity and clearness,—wherein I must be bold to testify for that noble lord, the marquis, the Lord Elcho, and the other gentlemen with him, that I have found nothing in them other than what becomes Christians and men of honour,—the next day it was resolved that the command of the Committee of Estates to the governor of Berwick for rendering the town, should be sent to him by the Lord Elcho and Colonel Scot, which accordingly was done.[1]

In another communication Cromwell states that the same night the Marquis of Argyll "sent in a trumpet to Berwick for a safe conduct for the Lord Elcoe and the rest of the commissioners, which being granted by the governor, they were conducted in the next morning," but that little or nothing could be done by them to the gaining of the town. Cromwell had by this time sent on a portion of his army to the neighbourhood of Edinburgh, and he himself quickly followed. He was well received and entertained by Argyll's party, and there can be no doubt that it was by his means they secured the ascendancy for a time.[2] In a later letter Cromwell says,—

> Believe it, the godly party in Scotland seem to be very sensible of the benefit they have lately reaped by the victory God gave to our army, and say they hope never to forget those instruments which the Lord chose to work their deliverance, and check themselves for the hard thoughts they formerly had of this army.[3]

Lord Elcho attended the meeting of Parliament in January 1649, and was appointed on a commission to regulate the finance of the University of St. Andrews. He was also present at two subsequent sessions in the same year, and was placed on other commissions, for revaluing Fifeshire, and planting kirks. He was likewise a commissioner of exchequer. And as he had been on former occasions, so he was twice in this year placed on the committee of "well-affected

[1] Carlyle's Cromwell's Letters and Speeches, vol. ii. sup. pp. 46-48.

[2] Rushworth's Historical Collections, vol. ii. Part iv. p. 1282. The two towns were shortly afterwards formally given up to the English by a letter from Chancellor Loudon [*ibid.*].

[3] Dated at Mordington, 27th September [*ibid.*].

persons" selected for managing the national affairs during the parliamentary recess. In this year also another army was levied to put the kingdom in a posture of defence, and Lord Elcho was again appointed to the command of a Fifeshire regiment, this time, however, a cavalry one.[1] An insurrection had broken out in the North, and Inverness was taken by the rebels, to oppose whom General David Leslie was sent with an army. It does not appear that Lord Elcho or his troop of horse took part in the campaign, which would practically be over before the new levies were ready for the field. In June, Lord Elcho was chosen by the presbytery of Kirkcaldy as one of their commissioners to the General Assembly, which was to meet on 4th July following, at Edinburgh.

In the midst of these public troubles, the year 1649 was notable both for joys and sorrows in the domestic circle at Wemyss. On 26th April the castle was the scene of festivity and rejoicing on the occasion of the marriage of Lord Elcho's eldest daughter, Jean Wemyss, to Archibald, Earl of Angus, eldest son and heir of William, first Marquis of Douglas. Marriage festivities were renewed on 9th August, when Lord Elcho's sister, Lady Jean Wemyss, the widow of Sir Alexander Towers of Inverleith, was married to her second husband, Colonel the Hon. Harry Maule, second son of Patrick, Earl of Panmure. But ere the year closed the castle was the scene of a double mourning. On 10th November, Anna, Lady Elcho, died there, and was buried in the Wemyss aisle, at the parish church in East Wemyss, on the 22d of the same month. And on the day of his wife's funeral, Lord Elcho

[1] Acts of the Parliaments of Scotland, vol. vi. Part II. pp. 138, 186, 190, 191, 219, 243, 290, 300, 321, 503, 507, 536, 702. Sir James Balfour says, "In this mounthe of Appryle, ther was 160 horsse leuied in Fyffe, to the Lord Elcho and Sr. James Hacckett of Pittfirrane, quho wer colonells. Each horsse was raissed vpone the rent of 3768 merkes with 12 lib. of leuey money for eache trouper. . . . Elcho's ruttemasters (captains) wer, Alexander Frasser, vnckell to the young Lord Louat, his cussin germane, and Androw Arnott of Kepeldrae. Sr. James Hacckett's troupe wer for himselue." [Vol. iii. p. 398.]

had also to mourn the death of his father, John, first Earl of Wemyss.[1]

David, Lord Elcho, now succeeded as second Earl of Wemyss, and as such took his seat in the Parliament at Edinburgh on 7th March 1650, taking the customary oath of Parliament. On the following day he was sworn in as a privy councillor, having been formerly selected for that office. Parliament adjourned on the same day until the 15th May, after despatching some of their number to negotiate with King Charles the Second at Breda.[2]

In the interval David, Earl of Wemyss, married his second wife, Lady Helenor Fleming, eldest daughter of John, Earl of Wigtown. In the beginning of the month of April Earl David was at Cumbernauld, one of the residences of the Earls of Wigtown, and there the marriage contract was signed by the contracting parties.[3] The lady's tocher was fixed at 20,000 merks; her jointure lands were to be Wester Dron, Hill Dron, the Mains, Grange, and tower of Elcho, Craigton, and Balhepburn in Perthshire; and the Earl of Wemyss engaged to pay 100,000 merks to an heir-male of the marriage on his reaching the age of twenty-one years, or if there were no son, £20,000 Scots to one daughter, and without prejudice of the succession of a son in case of the decease of the heirs-male of the earl's former marriage. The ceremony took place at Cumbernauld during the month,[4] being probably performed by Mr. Patrick Gillespie, a brother of Mr. George Gillespie, and one of the ministers of Glasgow, as he is one of the attesting witnesses to the marriage contract at Cumbernauld, and he appears to have been a special friend of the lady. The earl brought

[1] Lamont's Diary, pp. 4, 5, 8, 10, 11.

[2] Acts of the Parliaments of Scotland, vol. vi. Part II. pp. 555, 561.

[3] Dated 4th April 1650. Original in Wemyss Charter-chest.

[4] Lamont places this event on the 23d of April. [Diary, p. 15.] But the earl gives two dates in his Diary: "I was maried att Cumernalde, one the 4th Aprill 1650, with Lady Helinor Fleymying, eldest doughter to John, Earle of Wigtounne," and in another place he says it was the 26th. [MS. Diary, pp. 81, 360.]

his wife to Wemyss Castle on the 2d of May. Their married life, however, was not a long one, nor, if Lamont is to be believed, was it at all profitable to the Wemyss family. The Fifeshire chronicler says, under date 20th April 1652 :—

> The Lady Weyms in Fyfe, surnamed Fleymen, being the Earles second lady, depairted out of this life at the Weymes, without children, and was interred the 6 of May att the church of the Weyms. She caused her husband giue a frie discharge to her brother, the Lord Fleymen, of her whole tocher, being about 20 thousand marks Scots, before any of it was payed to him, so that he is not to receiue a farthen token of it. She caused her husband also, and her brother, to giue Mr. Patricke Gillespie (sometime minister of Kirkekaldie) a band of foure thousand marke, to be payed by them to the said Mr. Patricke. She caused also a doore to be struken throughe the wall of her chamber for to goe to the wine cellar; for she had (as is said by many) a great desire after stronge drinke. The frindes of the Earle of Weyms say, that att her death, he was a hunder thousand mark worse then when he maried her (and all the tyme of ther mariage was onlie two yeare).[1]

Lamont is correct in the date he assigns for the earl's return from Cumbernauld to Wemyss, for on the 4th of May, at Wemyss, and probably during the home-coming rejoicings, as the witnesses were all of the family, he executed a bond of provision in favour of the only remaining unmarried daughter of his former marriage (there had been five, and three were dead), Lady Mary, giving her 25,000 merks as a marriage portion.[2] This duty, one is almost forced to infer, must have been suggested to the earl by the provision for a possible daughter of the second marriage in the contract. But it was never fulfilled, as Lady Mary died on 12th October 1654, unmarried.[3]

When Parliament reassembled on 15th May 1650, the earl was in his place, and during the session, besides taking part in the Com-

[1] Lamont's Diary, p. 40. Lady Helenor Fleming, Countess of Wemyss, made her testament at Wemyss on 26th January 1652. She appoints her "deare husband" her only executor, and desires that her body should "be buried with the rest of that noble familie of Weymes." She was then "sick of body," but lived until 20th April. [Vol. ii. of this work, p. 320.]

[2] Original in Wemyss Charter-chest.

[3] Lamont's Diary, p. 79.

mittees of Bills and Overtures, was appointed on several important commissions. One was for dealing with prisoners, and their fines and forfeitures, another for valuations, and a third for relieving those who had suffered in the northern rebellion. He had, however, a greater honour in being one of the Parliament's commissioners to proceed to Falkland, to welcome in their name King Charles' the Second to Scotland, and intimate to him their ratification of the treaty of Breda. They had also the more delicate task to perform of intimating to the king the desire of Parliament to see better evidence of his resolution to follow their advice by dismissing from his court and service those who had shown themselves enemies to the Covenant and work of reformation, several of whom were named, and also the Parliament's intention of seizing their persons, unless they left the kingdom within eight days. Further, Parliament made a recommendation to the king that the Earl of Wemyss should be appointed one of the commissioners of exchequer to deal with his Majesty's rents, with a view to their improvement.[1]

King Charles landed in Scotland at Speymouth on 23d June, and on the 1st July reached Dundee. Thence he proceeded to St. Andrews, and on the evening of the 6th arrived at Falkland. He remained there for some days, and on the 12th responded to an invitation from the earl to dine at Wemyss Castle.[2]

The reception of Charles the Second by the Scots was the signal for a declaration of war by the English government. Cromwell was despatched with an army of invasion, and entered Scotland on 22d July.[3] He found his way clear as far as the vicinity of Edinburgh, for the Scottish leaders had resolved to try the old plan of starving out the English army instead of fighting. At the metropolis, however,

[1] Acts of the Parliaments of Scotland, vol. vi. Part II. pp. 563, 566, 567, 569, 570, 603, 604. Balfour's Annals, vol. iv. pp. 77, 78.

[2] Lamont's Diary, pp. 19, 20. MS. Diary of Earl of Wemyss, p. 81.

[3] MS. Diary, p. 81.

a barrier was interposed. Every vantage point around the city was fortified and garrisoned, and this line of defence which ran from Leith over the hills around Edinburgh on the south and west, kept the English army at bay. Here some skirmishes took place, notably one on the last day of July, in which, says Sir James Balfour, Sir James Hackett, one of the Scottish officers, "receauid a grate fryte." He then narrates the following story, disguising the name of the person implicated, under the initial letter of his name, but it apparently refers to the Earl of Wemyss :—

The Earle of W. beinng commandit the nixt day in the morning to marche out one a parteye, said he could not goe vpone seruice wntill he had his brackefaste. The brackefaste was delayed aboue 4 houres in getting, wntill the L. Generall being priuily adwertissed by a secrett frind, that my lord was peaceably myndit that morning, sent him expresse orders not to marche, to saue his reputatione. One this, the gallants of the armey raissed a prouerbe, "That they wold not goe out one a partey wntill they gate ther breackefaste."[1]

King Charles the Second, after visiting Edinburgh and the army at Leith Links, went to Dunfermline, where it was resolved by the Privy Council that the court should remove to Perth until the issue of the campaign was known. Both the Estates and the Kirk had been labouring for some time with the king to get him to subscribe a declaration, in which among other things they desired him to acknowledge that his father and mother had sinned in their opposition to the work of God, and that his own adhesion to the Covenant was true and sincere. On the afternoon of Wednesday, the 14th August, the day on which his removal to Perth was to take place, a visit was paid to the king at Dunfermline by the Earl of Wemyss and Mr. George Winram, minister of Liberton, as delegates from the Commission of the Kirk, and the Committee of Estates, to intimate to him that, as he had refused to sign the proffered declaration, they would neither own him nor his cause until he did so. This was

[1] Balfour's Annals, vol. iv. p. 87.

alarming, and the intended departure was delayed. Next day, at the king's request, he was visited by several of the ministers, and after much disputing over the terms of the desired declaration, some alterations were made, the document was re-written, and on the Friday afternoon Charles signed the declaration, and immediately took horse for Perth. The Church and the Committee of Estates then formally, and with expressions of thankfulness, passed from the declaration they had sent to the king by Wemyss and Winram.[1]

The defeat of the Scots at Dunbar by Cromwell, and the subsequent overrunning of the whole of the south of Scotland by the English army, drove the Committee of Estates to Perth after the king. The Earl of Wemyss is mentioned as being present at some of the meetings held there under the presidency of King Charles, and he was placed upon a committee of three of each Estate to deal with a remonstrance from the Synod of Perth, which, among other things, charged the commissioners who treated with and brought over the king, with dishonesty.[2] Parliament also met at Perth on 26th November, and the earl is frequently mentioned as taking part in its proceedings.[3] Among other business the case of an English ship which had been captured and brought into Wemyss harbour was considered, and the general of artillery, Sir James Wemyss, was instructed to take possession of the military and other stores therein; while the earl obtained a revaluation of his casual rents, and he is named as among the nobles who sat out the protracted debate on an Act for levying a new army. In connection with this Act the earl was nominated to his old command of colonel of a regiment of Fife infantry, with Sir John Wemyss of Bogie for his lieutenant-colonel.[4]

The most important measure passed by this Parliament was the

[1] Balfour's Annals, vol. iv. pp. 91-96.

[2] *Ibid.* pp. 117, 119.

[3] Acts of the Parliaments of Scotland, vol. vi. Part II. pp. 609, 631.

[4] Balfour's Annals, vol. iv. pp. 179, 211, 214.

resolution to crown King Charles the Second, which was done at Scone on 1st January 1651, the nobility being present in their robes of state, and being permitted to kiss the king's left cheek. Shortly afterwards the king made a progress through Fife to visit the fortifications of the Forth. From Stirling he reached Burntisland on the 12th February, and on the following day rode to Wemyss Castle, where he passed the night. On this occasion King Charles signalised his visit to Wemyss Castle by knighting there David Auchmoutie of that ilk, and Thomas Gourlay of Kincraig.[1]

The Earl of Wemyss adhered closely at this time to the strict party of Presbyterians in Kirk and State, of which the Marquis of Argyll was the leader, and at the meeting of Parliament, which sat down at Perth in March 1651, was one of the protesters against the Act which took the control of the army from the Committee of Estates. The object of this Act was to nullify the Act of Classes and pave the way for its abolition, which its promoters succeeded in doing in the immediately ensuing session of Parliament at Stirling. Argyll's party made as strenuous an opposition as they could, but they were in such a minority that even their protest was not allowed to be recorded. The earl was also at the meeting at Stirling, and was appointed on the Committee of Estates for government during the parliamentary recess.[2]

Amidst these commotions in the State, and while the king and the Scottish army lay encamped at Stirling, the Earl of Wemyss found opportunity to make resignation of his entire estates, and to obtain a regrant of them under the great seal of Charles the Second, in order to change the destination of the heirs. As altered in this charter the earldom was provided to Earl David and the heirs-male of his body, failing whom, to any one whom the earl during his lifetime, or on

[1] Lamont's Diary, pp. 26, 27.

[2] Balfour's Annals, vol. iv. pp. 258, 275-277; Acts of the Parliaments of Scotland, vol. vi. Part II. pp. 679, 684.

his deathbed, should name, or failing them, to the earl's nearest heir-male.[1]

By this time the English army had crossed the Forth, and effected a landing in Fife. Burntisland quickly fell into their hands, and during their progress eastwards Wemyss Castle was visited and despoiled of its arms and artillery. The departure of the Scottish army for England left the country completely at the mercy of Cromwell's lieutenant, General Monck, who very soon effected a conquest. The Committee of Estates, which seems, however, to have been deserted by those of its members who belonged to Argyll's party, fled northwards, but were surprised and taken at "Elliot" (Alyth) in Angus,[2] and sent prisoners to London. Cromwell himself had gone in pursuit of Charles and his host, and coming up with them at Worcester, inflicted on them a complete defeat on 3d September 1651, the anniversary of "the drove of Dunbar." When all was lost, the Marquis of Argyll approached Monck, asking a conference for a settlement, but Monck replied it was not in his power to meet his wishes, without instructions from London.[3] The Marquis then endeavoured to get the Parliament which stood adjourned to the third Wednesday of November, to meet at Kilmun, as they could not meet at Stirling, the appointed place, and it is stated they met first at Rothesay in Bute, and then at Finlarig in Glenorchy.[4] But there is no record of these meetings.

To the laird of Glenorchy at this very time the Earl of Wemyss had intrusted six trunks, with contents of a valuable nature, evidently for safe preservation from English hands, and they were

[1] Charter and precept, dated 22d July 1651; also instrument of resignation, dated 12th July 1651, and sasine, dated 23d January 1652, in the Wemyss Charter-chest. The resignation was made at a full meeting of the Commissioners of Exchequer, "at Stirling, in the ludging quhair now the kings Majestie dwellis, belanging to the Lord Marqueis of Argyll, and of old to the Erle of Stirling, in that chamber therof callit the grein cloth chamber."

[2] Vol. iii. of this work, p. 56.

[3] Balfour's Annals, vol. iv. pp. 316, 317.

[4] Nicol's Diary, pp. 73, 74.

placed in the castle of Kilchurn in Loch Awe[1] where they were in a manner under the direct protection of Argyll. Otherwise the Earl of Wemyss submitted quietly to the inevitable, and doubtless joined the Fifeshire gentry in sending to the English commissioners at Dalkeith to treat on matters concerning the county.[2] At any rate, he approached Monck personally by petition, feeling aggrieved at the amount of sequestrations and impositions made upon both his land and casual rents. He found the general not unreasonable, and obtained a favourable recommendation to the executive officer of the district, Commissioner Desborough.[3] Soon afterwards the earl made a complete surrender of all his lands and honours in the hands of Cromwell's Commissioners of Exchequer, for a regrant to himself and the children of his third marriage.[4] He also obtained himself served heir-general to his father.[5] He thus entirely recognised the government of Cromwell, paying his share of the requisite assessments readily, and he is mentioned in the parliamentary records of the period as serving on several committees of the counties of Fife and Perth for determining and raising the taxation.[6] Indeed, he stood well with the Cromwellian executive in Scotland and with the Protector himself, for under his *régime* he held the office of high sheriff of Fife. He was also willingly accepted as security for those whose character the government suspected, and he acted in this capacity for his brothers-in-law, the Earls of Rothes and Eglinton, and also for the Earl of Kellie.[7]

During the ascendancy of the Commonwealth, however, Scotland

[1] Vol. iii. of this work, pp. 95, 96.

[2] Lamont's Diary, p. 36.

[3] Copy petition to General Monck; the general's reply; also letter by Commissioner Desborough, dated 13th November 1651, in Wemyss Charter-chest.

[4] Instrument of resignation, dated 31st January 1654, in Wemyss Charter-chest.

[5] Inquis. Retor. Gen., No. 4068.

[6] Acts of the Parliaments of Scotland, 1655, 1656, 1659, vol. vi. Part II. pp. 839, 841, 853, 882, 883.

[7] Vol. iii. of this work, pp. 57, 103; Lamont's Diary, p. 103.

enjoyed a season of quiet and repose, with the exception of one interruption in the years 1653 and 1654, when a rising of the Earl of Glencairn and Lord Kenmure, in the interests of the king, took place. While in Fife the operations of this party consisted largely of nocturnal horse-lifting; and Wemyss Castle was twice visited, first on the night of 3d November 1653, when they took five or six horses, and again on 4th May following, when they seized another of the earl's horses. But during this period the earl obtained rest from the cares and distractions of the government of the nation, attending to the duties of his local offices, and, most of all, he is to be found amid his domestic concerns.

As already stated, the earl's second wife, Lady Helenor Fleming, died in April 1652, and from certain circumstances it may be inferred that the two sons of the first marriage, who survived their mother, had also by this time been removed by death. It may be to this, as well as to his many previous family bereavements, that he refers in the following letter to Sir George Maxwell of Pollok, and the parishioners of Mearns in Renfrewshire, who had given a call to his chaplain :—

Wemyss, 20 September 1652.

Right worshipfull and worthie gentlmen, in returne of yours the iith of this, in calling my servand, Mr. John Burnet, to be minister of your kirk of Mearns, I doe confess it does trouble me very much; for he is one of the preciousest young men that ever was in my family in that charge. The trewth is, I am very much frustrat of my resolutione; for in thir sad tymes it was no small comfort to me to hawe him in my company. Bot it hes seim'd good to the Lord, this long tyme, to hold me vnder the rod; and I trust in his mercie he will grant me swbmissione to whatsomevir it pleases him to hold furth for me. And in this particullar, I reverence this your vnanimous call, secondit by your presbitrie, which looks to me as flowing from the right wellspring. I will add no more, but what is incumbent for me to doe for your satisfactiounes shall not be neglectted by your most affectionat freind and servand, WEMYSS.

For the right worshipfull and much respectted freinds Sir Georg Maxwell of Poolock, and remenand parishoners of the kirk of Mearnes.[1]

[1] Memoirs of the Maxwells of Pollok, by William Fraser, vol. ii. p. 283.

Perhaps it was in the hope of yet having heirs-male to carry on the line of Earls of Wemyss that Earl David, within a few months of burying his second wife, turned his attention to a new matrimonial engagement. His choice fell upon a lady, the daughter of a neighbouring nobleman, and who had been the daughter-in-law of another peer closely connected with the county of Fife, and therefore must have been well known to the earl in former days. Like himself also, she had shortly before become a widow, as he was a widower, a second time. This was Lady Margaret Leslie, the second daughter of John, Earl of Rothes.[1] She married, as her first husband, Alexander Leslie, Lord Balgonie, the eldest son of Alexander Leslie, first Earl of Leven, and after his death she married, in 1646, Francis, second Earl of Buccleuch. Of each of these marriages two children survived. Alexander Leslie, eldest son of the first marriage, became second Earl of Leven, while his sister, Lady Katherine Leslie, married George, fourth Lord Melville; and of the second marriage, the youthful Ladies Mary and Anna Scott, successively Countesses of Buccleuch, were the only surviving issue. The mansion-house of Sheriffhall, near Dalkeith, was her residence, as Dowager-Countess of Buccleuch. The short courtship paid to her by Earl David led to correspondence and visits at that place. He appears to have been assiduous in his addresses, and the noble widow had somewhat to restrain his visits. Several of her love letters to Lord Wemyss have been preserved. They are written on paper with a black edge, apparently as a token of mourning for the loss of her recently deceased husband, the Earl of Buccleuch. These letters of the widowed countess thus at once expressed both grief and love. The marriage was finally arranged on 23d December 1652, and on the 13th of the following month the earl and countess were married at Sheriffhall kirk.[2]

[1] Two letters from her on this subject, in answer to some from the Earl of Wemyss, are printed in vol. iii. of this work, pp. 96, 97.

[2] Contract of marriage is printed in vol. ii. of this work, pp. 236-240. Lamont's Diary, p. 52; MS. Diary of David, Earl of Wemyss, p. 360.

When Lady Margaret Leslie, as Countess of Wemyss, came to reside at Wemyss Castle, she brought with her at least her three daughters. Her eldest daughter, Lady Katherine Leslie, lived with them until her marriage. Her other two daughters, more especially the elder, Lady Mary Scott, were a source of considerable anxiety to the Earl and Countess of Wemyss. Lady Mary was Countess of Buccleuch in her own right, and heiress of the extensive and opulent Buccleuch estates. For this reason she was almost from her infancy the subject of considerable intrigue among a number of suitors. Her affairs were under the control of tutors appointed by her father, upon whom, for certain reasons, it was considered advisable that the influence of Cromwell and the government of the Commonwealth should be brought to bear. This was the occasion of a visit to London by the Earl of Wemyss.

On 16th October 1654, Lamont records in his Diary that "The Earle of Weymes tooke iourney from the Weymes, to goe to Newcastell to sie his brother in law, the Earle of Rothes, being prisoner of war ther for the time. His purpose was to goe from thence to London. He returned from London to the Weymes, December 8, 1654."[1] The mission of the earl was to bear a petition from his wife to Cromwell, asking him to recommend to the Buccleuch tutors that the care and education of her daughters should be continued to her until they attained the age of eleven or twelve years. In the petition it was alleged that the Earl of Tweeddale, whose wife was Lady Jean Scott, the aunt and next heir to the young heiresses, was seeking, for sinister purposes, to change the custody of the children. The prayer of the petition was granted by the Protector, who, in a letter to the tutors, recommended them to act in conformity therewith, which they did.[2]

The earl, no doubt, also visited at Newcastle, his brother-in-law, John, Earl of Rothes, to whom he had previously sent some pecuniary

[1] Lamont's Diary, p. 80. [2] The Scotts of Buccleuch, by William Fraser, vol. i. pp. 336-338.

assistance.[1] And it may be supposed that, when in London, he would not fail to visit another brother-in-law, the husband of his sister Mary, John, Lord Sinclair, who, like the Earl of Rothes, was a prisoner of war in the hands of the Commonwealth. To Lord Sinclair, also, the Earl of Wemyss rendered pecuniary and other assistance.[2]

Very soon after the earl's return from London Wemyss Castle was the scene of rejoicings on the occasion of the marriage of the earl's youngest sister, Lady Catherine Wemyss, to Sir David Carnegie of Craig, in the county of Forfar. It took place on 28th December 1654, and was followed on the 18th of the following month by the wedding of Lady Katherine Leslie, the only daughter of the Countess of Wemyss by her first marriage, to George, Lord Melville. A gloom, however, would be cast upon the ensuing festivities by the intelligence that only three days previously, Lady Jean Wemyss, the eldest daughter of the earl, had been made a widow by the death of her husband, Archibald, Earl of Angus.[3] Another marriage, which also occasioned the Earl of Wemyss a journey to England, was that of his stepson, Alexander Leslie, Lord Balgonie. His bride was Margaret, fifth daughter of Sir William Howard, and sister of Charles, Earl of Carlisle. The ceremony took place at her brother's house in England on the north side of Newcastle, and the Earls of Wemyss and Rothes attended upon the occasion.[4] Lord Balgonie succeeded his grandfather as second Earl of Leven in 1661. Two years afterwards, in 1663, the second Earl of Leven executed a deed of entail, which provided for the inheritance of his estates and honours by the second son of David, Earl of Wemyss, and Lady Margaret Leslie, in the event of the failure of heirs of Lord Leven, or of heirs-male of the

[1] Letter, John, Earl of Rothes, to his sister, Margaret, Countess of Wemyss, vol. iii. of this work, p. 97.

[2] Letter, John, Lord Sinclair, to David, Earl of Wemyss, vol. iii. of this work, pp. 100, 101.

[3] Lament's Diary, pp. 83, 84.

[4] *Ibid.* p. 96.

second son of the Earl of Rothes, and heirs-male of the second son of Lord Melville.[1] The Earl of Leven died at his family seat of Balgonie on 15th July 1664, and his countess died in September of the same year, leaving two young daughters, who thereafter resided with their grandmother, Margaret Leslie, Countess of Wemyss, at Wemyss Castle. The elder daughter, Margaret, Countess of Leven, was married at Wemyss kirk on 17th October 1673,[2] to the Hon. Francis Montgomerie of Giffen, second son of Hugh, seventh Earl of Eglinton, and Lady Mary Leslie, the elder sister of the Countess of Wemyss.[3] But Margaret, Countess of Leven, did not long survive her marriage. She died at Balgonie on 16th November 1674, and was buried on the 27th of the same month "most nobilly."[4] The younger daughter, Katherine, then became Countess of Leven, but she too, like her sister, died in her teens, on 21st January 1676, and was buried at Markinch kirk "from the Wemyss housse, the 27th January. Shoe was caried in steatte vnder a welutte pealle, and shoe the last of Alexander, Earl of Leiuen's childrene of the Hauards (Howards) reasse."[5]

The Earl of Wemyss made another visit to London in the beginning of the year 1658, leaving Wemyss on 28th December 1657. Lamont

[1] Morrison's Decisions, No. 14,380.

[2] In a letter relative to her estate, to her uncle, Lord Melville, dated at Wemyss 11th October 1673, she adds this postscript in her own hand, "I intret your lordship to don me the honour to com heir on Fryday next, at my weding. My humble servis to my aunt.—Margaret Leven." [Letter in Melville Charter-chest.]

[3] In his diary the earl states some particulars about the birth of his third wife, and of her brother and sister. He says, "1. One 20 May 1621 Lady Marie Leslie, eldest doughter to John, Earle of Rothes, was borne in Allaway neir 8 aclock in the morning.

"2. One the 16 Aprill 1622, Lady Margrett Leslie, secnnd and youngest doughter uas borne in Leslie neir nyne aclock that morning.

"3. One 30 Desember 1630, Johne, Lord Leslie, only sone to this Jo., Earle of Rothes, was borne in Leslie betuix 5 and 6 aclock at night." [MS. Diary, p. 174.]

The betrothal of Lady Mary Montgomerie, the eldest daughter of the Countess of Eglinton, to George, fourth Earl of Winton, also took place at Wemyss Castle in June 1662, where she was residing at the time. [Lamont's Diary, p. 154.]

[4] MS. Diary of the Earl of Wemyss, p. 363.

[5] *Ibid.* p. 308.

states that the journey had reference to his coal and salt.[1] But his own coal and salt were not the sole objects in view in the journey to London. He represented the coal-owners of Scotland, being deputed by them to present a petition to the Protector. In his petition he says that from a sense of the imminent ruin of the coal-owners, he had taken a tedious journey from Scotland, to supplicate against the exaction of 4s. a ton from natives, which was the intrinsic value of the coals, and 8s. a ton from strangers, which was double their intrinsic value, according to the late Act for establishment of the subsidy of tonnage and poundage. As coals, he adds, are one of the best staple commodities of the nation, thousands of families having their whole subsistence therefrom, and as I cannot long be dispensed with from my charge as high sheriff of the county of Fife, I beg an order to the commissioners for customs and excise in Scotland to accept from the coal-owners such a proportionable part of the value of coals for a subsidy thereof, as they do of other commodities. To the petition was added a list of eighteen reasons by the Earl of Wemyss, against this imposition which would ruin 20,000 poor people, and also the shipping of the country.

The matter came under the notice of the Protector and his council on 9th March 1658, previous to which the earl had come to an agreement with Mr. Martin Noel, an Englishman to whom the tax had been farmed by the government of the Commonwealth, to try the following expedient.—That during the present lease only 2s. 6d. a ton should be exacted from the Scots for exporting of coal, and 5s. from strangers, until Parliament made some other order, on condition that a proportionable part of the rent to be paid by Noel should be remitted. This was agreed to by the Protector and his council, and instructions were sent down in accordance therewith to the council in Scotland.[2] The Earl of Wemyss, says Lamont, returned on 1st April 1658.[3]

[1] Lamont's Diary, p. 103.

[2] Calendar of State Papers, Domestic Series, 1657-8, pp. 281, 317, 318, 332.

[3] Lamont's Diary, p. 103.

Fears lest the intrigues respecting her daughter Mary, Countess of Buccleuch, might prove successful notwithstanding all her precautions, seem to have induced the Countess of Wemyss to anticipate the age of twelve years, at which the law of Scotland permitted females to marry, and to arrange sooner than was otherwise expedient for the future welfare of her daughter. She chose as the latter's husband Walter Scott, son of Sir Gideon Scott of Highchesters, in the county of Roxburgh, who was a younger son of the Scotts of Harden, and arrangements were made at Wemyss Castle for celebrating the marriage there with all privacy. The contract was prepared, and on 9th February 1659, when the presbytery of Kirkcaldy met for business at Kirkcaldy, the Earl of Wemyss and Sir Gilbert Elliot of Stobs, as representing the bride and bridegroom, craved a warrant from the presbytery to some minister to perform the marriage ceremony without proclamation, alleging that the case was one of "necessary exigence." The presbytery, satisfied that it was so, unanimously granted the required warrant to Mr. Henry Wilkie, minister of Wemyss, and in his parish church on the same day the marriage took place. The marriage contract is dated at Wemyss also on that day; and, in addition, it was arranged that Countess Mary and her husband should reside with the Earl and Countess of Wemyss until she reached the age of eighteen years, £16,000 Scots being allowed annually for their entertainment, and a sum of £8000 Scots was granted to the Countess of Wemyss to defray the expenses of the marriage contract, and the nuptial festivities.[1]

This transaction, as might be expected, led to a lengthened course of litigation and negotiation. Such of the tutors as were opposed to the marriage took steps for its reduction and annulment, and so speedily, that only ten days after the marriage the commissioners for the administration of justice in Scotland were occupied with the con-

[1] The Scotts of Buccleuch, by William Fraser, vol. i. pp. 351, 354; Lamont's Diary, p. 112.

sideration of the case. A few days later Countess Mary was removed from her mother's charge and placed in the care of General Monck and his lady, who then resided in the countess's own castle of Dalkeith, until she reached the age of twelve years. One of the tutors who had opposed the marriage, Sir John Scott of Scotstarvet, complained to the provincial synod of Fife of the action of the presbytery of Kirkcaldy, and asked that it should be censured; but the synod justified the action of the presbytery. The case was then appealed to the General Assembly. The discussion of it there was the occasion of rather a lively scene between Scotstarvet and the Earl of Wemyss, who was also present as a member of court, and it may be best narrated in the words of Lamont. He says, "This business was vigorously pressed in the Assembly by the Lord Scotstaruet, and defended by the Earle of Weyms, who, in feace of the Assembly, said as mutch as appealed the said Scotstaruet to a combatt; for the said Scotstaruet, speaking of the house of Harden, said if the said lady had maried his sonne or his oye, ther had beine no staine vpon hir. Bot Weyms took this so highly, that he said to him that if he had not a respect to those his gray hares, he sould make him make that good before he sleiped. Bot the moderator (Mr. Robert Blair, minister of St. Andrews) commanded them both silence."[1]

The case passed into the hands of the commissary, Sir John Nisbet of Dirleton, who declared the marriage illegal, and pronounced sentence of dissolution. Against this decision an appeal was lodged with the Parliament of the Commonwealth; but as by this time Richard Cromwell had resigned the Protectorate, the affairs of the country generally were in an unsettled state. Meanwhile, on 31st August, Countess Mary reached the completion of her twelfth year, when the sequestration of her person was to expire, and steps were immediately taken to ratify the marriage. The young spouses—for Walter Scott was only

[1] Lamont's Diary, p. 114. The date of the meeting was 5th April 1659.

fifteen years of age—had contracted a real affection for one another, and on 2d September 1659, in presence of General Monck, the Earl of Wemyss, and others, they formally declared and subscribed their adherence to the marriage. They appear now to have returned to Wemyss.

After the restoration of Charles the Second the Countess of Wemyss had better success in carrying out her aims in reference to her daughters. She had taken a very important part in the king's restoration, being, so to speak, at the very initiation of the movement. So much is implied by Baillie, who says, in reference to Monck's procedure in this matter, "Our noblemen, very secretly, most by the mediation of the Lady Weims, a wittie, active woman, . . . did oft solicit him to attempt for the king."[1] This, and the friendship of General Monck, gave her considerable influence with the king, which she retained by her subsequent conduct. It was thought advisable to obtain from the king a gift of the ward and marriage of the two young heiresses of Buccleuch to the Earl of Wemyss and John, Earl of Rothes, conjointly, and for this purpose these two earls made a journey to London, leaving about the middle of May 1660.[2] Rothes, however, had purposes of his own to serve, and, unknown to the Earl of Wemyss, he obtained the gift to himself exclusively. Disappointed with the conduct of Rothes, Wemyss had recourse to the assistance of Lord Melville, then in London with him. Melville hastened to Scotland to inform the Countess of Wemyss of the march which her brother Rothes had stolen upon herself and her husband. Bolder even than her brother in intrigue, she hastened to London. Her mission was successful. She took with her her daughter, the Countess of Buccleuch, and succeeded in inducing the king to revoke the grant to her brother and give it conjointly to him and her husband. At the same time the young Countess of Buccleuch, who was afflicted

[1] Baillie's Letters, vol. iii. p. 438.

[2] Lamont's Diary, p. 122.

with scrofula, was "touched" by the king, and her husband, Walter Scott, was created Earl of Tarras for life. The Earl and Countess of Wemyss returned home on 20th September.[1]

A letter of the period states a rumour that the Earl of Wemyss, with some of the other Scottish lords who had gone to London to greet King Charles, had been apprehended and that he was to be sent down to Edinburgh to await trial for complicity with the Commonwealth.[2] So far at least as the Earl of Wemyss was concerned, this rumour was unfounded, though the action of Monck towards some with whom the earl had formerly co-operated, seems to have given him some uneasiness respecting his security.[3] In his diary the earl has made a note of his presence in London on the occasion of the king's entry. "Charles Secund, King of Scotland, Ingland, France, and Eirland, did returne to his crounes. One 29 May 1660 he entered Lundon, and with his Majestie his two brothers, James Duke of York, and Hendrie Duke of Gloster. I was ther."[4]

The young Countess of Buccleuch gradually grew weaker under her ailment, and finally succumbed to it. She died at Wemyss Castle on 11th March 1661, and her body was conveyed across the Firth from Wemyss to Musselburgh, on March 21st, thence to Dalkeith Castle, where it lay in state until buried in the family mausoleum at the church of Dalkeith on 17th April. Her sister, Lady Anna Scott, then succeeded to the Buccleuch estates and the title of Countess of Buccleuch.[5] In the will of the deceased countess she appointed the Earls of Wemyss and Rothes her sole executors and universal legatees, but their right to act was challenged, and the case was ulti-

[1] The Scotts of Buccleuch, by William Fraser, vol. i. pp. 372-377; Lamont's Diary, pp. 122, 123; vol. ii. of this work, pp. 243, 244.

[2] Robert Maxwell of Tinwald to Robert, second Earl of Nithsdale, 22d July 1600. [The Book of Carlaverock, by William Fraser, vol. ii. p. 147.]

[3] Vol. iii. of this work, p. 58.

[4] MS. Diary, p. 221.

[5] The Scotts of Buccleuch, by William Fraser, vol. i. p. 379, vol. ii. p. 307; Lamont's Diary, p. 133.

mately referred to the arbitration of the king, who, in the interests of his son, decided against them. Rothes may have lost nothing by the transaction, but it cost the Earl of Wemyss £40,000 Scots.[1]

Immediately on the death of the Countess Mary, the Earl of Rothes repeated his attempt to obtain from the king to himself exclusively a gift of the ward and marriage of Lady Anna Scott, though he professed that he wished it jointly to himself and the Earl of Wemyss. On discovering that they had been deceived, the Earl and Countess of Wemyss were greatly exasperated, and the earl wrote to General Monck, now Duke of Albemarle, asking his intervention with the king for an alteration of the gift. Rothes, however, refused to concede his advantage for less than £12,000 sterling, which he received. But Lady Wemyss being thus thwarted in one scheme started another. Soon afterwards she offered her daughter, Lady Anna, now Countess of Buccleuch, in marriage to James Stewart, natural son of King Charles the Second, who was at the time a favourite with his father. The countess was then only twelve years of age, and her intended husband only one year older. The offer of marriage made to the king on behalf of his young son was accepted, and on 10th June 1662 the Earl and Countess of Wemyss again left home for London, taking Countess Anna with them. Details were there arranged with the king,[2] and the wedding took place in London on 20th April 1663. The marriage feast, says Lamont, took place in the Earl of Wemyss's house there, where his Majesty and the Queen, and certain courtiers were present.[3] In his own diary the earl has the following memoranda of the circumstances :—

One the 22 July 1662, the quine mother cam out of France to Grinniche her housse. I did sea her land ther that day, and uith her Majestie cam James Scotte,

[1] The Scotts of Buccleuch, by William Fraser, vol. ii. pp. 312, 393-396.

[2] It was afterwards found expedient to have both Countess Anna's marriage-contract and that of her sister, Countess Mary, reduced, as not in accordance with their father's entail of the Buccleuch estates.

[3] Lamont's Diary, pp. 149, 161.

naturall sone to this king Charles the Secund, gotten in Breda. One Mistres Watters, one of the Prinsesse of Orranges meads, uas his mother. He was mead first Duke Monmuth. One the 20 day of April 1663, this James Scotte, D. Monmuth uas maried att Whithalle, one Anna, Countes of Buccluche, uho was earies to the housse of Buccluche, worth 10,000^{li} starling yeirly. The king and the Duke of York uas present att the mariadge, uhen the Bishope of Lundon, then called Sheldounne, maried them. I, Dauid, Earle of Wemyss, head the honur to deliuer hir to hir husband, D. Monmuth that day, the king commanded me to deliuer hir to him, for I maried hir mother, the Duager of Buccluche L. M. Leslie, uho uas also present, and my lord E. Rothes, and diuers others lords (I uas as hir father then). They did bead for formes cause that night, but did not stay together, being young, he of 13 yeirs and shoe of 12 yeirs then in Nouembir. Thirefter hir mother left hir by the king's directtione. Shoe was deliuered to the caire of the Countes of Marshall, doughtir to Ro., Earle of Mortoune. 1663, this uas. One the 9th of Februar 166$\frac{4}{5}$ Scotts account, thir tuo nobill persones did bead togethter att Whithall, and so doeth they continew since, but not befor.[1]

The Earl of Wemyss returned home on 3d June 1663, but Lady Wemyss remained in London with her daughter till November, and before leaving she received from the king an annual pension for life of £500 sterling, in consideration of her "faithful and acceptable services."[2]

[1] MS. Diary, pp. 221, 222. In another part of his diary the earl notes that James, Duke of Monmouth, was born in Holland on 27th April 1650. When he came to England in 1662, King Charles named him Sir James Scott, creating him Baron of Tynedale in England. In 1663 he was farther created Duke of Monmouth, Earl of Doncaster, Lord Tynedale, and Fotheringay in England, and on the day of his marriage, Duke of Buccleuch, Earl of Dalkeith, and Lord Scott of Whitchester and Eskdale. [p. 203.] Of the bride he states that, Anna, Duchess of Buccleuch and Monmouth, was born in Dundee on 11th February 1651, at 10 o'clock. She became 21 years of age on 11th February 1672, and her first child, Charles Scott, Earl of Doncaster, was born on 24th August of that year. The Countess of Wemyss left for London on 10th May of that year, and remained with her daughter at Whitehall. "She did returne home to me one the 18 October 1672, to the Wemyss in good health, shoe being then going in her 53 and I in 63 yeirs, 'Wemyss.'" [Pp. 204, 362.]

[2] Lamont's Diary, p. 149; vol. ii. of this work, p. 321. In his diary under the year 1664, the Earl of Wemyss mentions this pension of the countess as a set-off to what was due him by the public. He says, "Then to help to pie this debitte one the other seid, my wife hes ane pentione of 009000 marks yeirly" [Diary, Appendix, p. 27]. This note, and other relative notes made by the earl, show the comparative value of Scotch and English or sterling money in his time. 9000 merks = £6000 Scots = £500 sterling, *i.e.* Scotch money was only one-twelfth the value of English money.

The Duchess of Monmouth was very reluctant to part with her mother, with whom and the Earl of Wemyss she afterwards corresponded on very affectionate terms. The duchess always treated him as a father. Many letters passed between them, and several of these have been printed.[1]

As may be expected from his near relations with the king and others in official position in Scotland, the Earl of Wemyss during the rest of his life did not allow the religious principles which he had espoused in earlier life to interfere with his loyalty to the government, nor did they prevent him falling in with the measures enacted after the Restoration. He attended the first Parliament of King Charles the Second at Edinburgh on 1st January 1661, and protested on that day for his proper precedency. His services were required on a commission for the advancement of trade and hearing of complaints; and during the same session he obtained a parliamentary ratification of the charter granted to him by the king in 1651. He also sat in the second and third sessions of the same Parliament in May 1662 and June 1663, as well as in later Parliaments and Conventions of Estates up to the time of his death.[2] In May 1662 Parliament assigned to him and the Earl of Kellie the task of bringing in the bishops. Four bishops had been consecrated at London, including Archbishop Sharp, and they proceeded immediately before Parliament opened to consecrate other six in Holyrood Abbey Church. Lamont narrates the proceedings, and states that Mr. James Wemyss, brother of the laird of Foodie, and one of the regents in St. Leonard's College, St. Andrews, was chief assistant at this ceremony and at a later one in St. Andrews, by ushering in the archbishop and presenting the book to the persons consecrated.[3]

[1] Vol. iii. of this work, pp. 122-128.

[2] Acts of the Parliaments of Scotland, vol. vii. pp. 3, 5, 9, 92, 118-120, 368, 446, 498, 526, 536, 539, 548, 551, 663, Appendix, p. 106; vol. viii. pp. 3, 4, 55, 208, 214, 549, Appendix, pp. 1, 4, 10, 26, 31.

[3] Lamont's Diary, p. 148.

When the Earls of Wemyss and Kellie were sent on this mission, the bishops, attired in their robes, were assembled in the house of the archbishop of St. Andrews, near the Nether Bow, whence the two archbishops walked to the Parliament House between the two earls, the rest following, and all surrounded by a large company composed of the provost, bailies, and council of Edinburgh, and barons, gentlemen, and others. Their reception by Parliament was the event of the first day's sitting, and it having been accomplished, an adjournment was made, and nobles and bishops walked down in procession to Holyrood, to dine with Middleton, the commissioner.[1] The Earl of Wemyss was also re-chosen a member of the Privy Council of Scotland, when it was re-formed in April 1661.[2]

He was appointed by the king upon a Universities Commission in 1664, and was summoned by Archbishop Sharp to take part in the visitation of the University of St. Andrews early in August of that year.[3] Prior to his attendance there he appears to have attended the funeral of William, Earl of Glencairn, whose death at Belton on 30th May, and burial at Edinburgh "in the gritte kirk" on 28th July, he notes in his diary.[4] The death of another nobleman, Alexander, second Earl of Leven, the son of Lady Wemyss by her first marriage, is recorded by the earl as taking place at Balgonie on 15th July of this year of "a pourpille fever." He was buried, he adds, at Markinch, on 4th August, most honourably.[5] He was but a young man, and Lamont records the death of another Fifeshire gentleman, John Lundy, laird of Lundy, whose burial at the church of Largo, on 5th January 1665, was attended with great pomp, many of the nobility, including the Earl of Wemyss, being present, and taking part in the obsequies.[6]

At this time horse-racing was much patronised in Fifeshire,

[1] Nicol's Diary, pp. 366, 367.
[2] *Ibid.* p. 326.
[3] Vol. iii. of this work, p. 129.
[4] MS. Diary, p. 210.
[5] *Ibid.* p. 210.
[6] Lamont's Diary, p. 174.

and the meetings were attended by most of the nobility. At one meeting at Cupar, on 12th April 1666, a personal dispute arose, "after cupps," between the Earl of Linlithgow and Lord Carnegie, which culminated in a challenge. At nightfall they met privately on the hill towards Tarvet Broom to clear their honour at the point of the sword, and, after some hard fighting, Linlithgow was severely wounded. On the fact becoming known that a duel was being fought, the other noblemen rode down to stop it, and the Earl of Wemyss, riding in courageously between the two combatants, followed by his servant, had his own horse killed under him, while his servant's was so badly injured by a sword thrust that it also died. Besides this, Lord Melville had one of his horses wounded in the *mêlée*, and a servant of Lord Newark was ridden down and hurt.[1]

The Earl of Wemyss and David Leslie, Lord Newark, appear to have had some special authority in Fife. They were written to by Archbishop Sharp, during the war between England and Holland, with instructions to look to the condition of the coast towns of Fife, and order the magistrates to take measures for defence in case of an invasion, as he had been informed a Dutch fleet had been sighted near Berwick.[2] Perhaps the Fifeshire lairds had reason to fear a visit from the Dutch, for a number of them, the Earl of Wemyss among the rest, had contributed for the equipment of a fleet of privateers, which committed considerable havoc among Dutch merchantmen.[3] The earl acted as desired by the archbishop, and wrote to him from Wemyss that he had done so, adding that he found "the holle shire wery vnuilling to leaue thir oune costs except vpon gritte necessitie, till ue sea what thes ships ar for."[4] He then went to Edinburgh, apparently to purchase a horse for the impending military service, and while there learned the

[1] Lamont's Diary, p. 187.

[2] Letter, 24th November 1666, vol. iii. of this work, p. 132.

[3] Lamont's Diary, p. 194.

[4] Letter, 25th November 1666, in Wemyss Charter-chest.

archbishop's intention of presenting him with one. The earl wrote from Edinburgh, thanking the archbishop, but declining the gift, as he had obtained one or two very good horses there.[1] Perhaps he also went to receive instructions from the council. But he was again at Wemyss on the following day, and received there an order from the council to keep the gentlemen of Fife together when they assembled next day at their several places of rendezvous. There was, however, another reason for all this preparation besides the proximity of the Dutch fleet; the Covenanters had beaten Turner in the west of Scotland, and were now advancing in force on Edinburgh. But their defeat at Rullion Green, on the evening of the 28th November, relieved the archbishop and the rest of the council of their real fears, and on the 29th Sharp wrote to the earl, "I suppose your lordship may dismiss these gentlemen who meet in the severall divisions of Fyfe untill yow know the councills further order."[2]

That this was so is further evident from the fact that when, six months later, the Dutch fleet did enter the Firth of Forth, there was little concern shewn about it by the council. The Earl of Wemyss, however, was vigilant, and was the means of saving some of the king's ships. He tells the story of the invasion in his diary :—

One the last day of Aprill 1667, the Hollands flitte inueadded Scottland, and cam vp that day to Bruneiland, uith 30 good ships, sum of 60, sum of 50 gunes a peisse, beseids 10 littill ones. They did offer to land to haue brunt all the ships in Bruneiland, but uas beatten back, and they shott aboue 1000 gritte s[h]ott att itt, sum of 24li balle, and did not kille man, uife, or child; shotte att noe other toune or pleasse: killed one man in [a botte] off Buickheauin that day, the botte being att fishing, and they would not cum abourd of them, so they shotte att the botte, and killed one Alexander Chirsstie ther. The botte gott off, and we bourried the man at Wemyss ceairfully that day, and the flette went away one 1 May 1667, and did littil more, only tuek one priuattire belonging to Leith, shoe ridding in Bruneiland Rode when they cam vp. They head out Inglish cullers. Three of the king's ships uas

[1] Letter, 27th November 1666, in Wemyss Charter-chest.

[2] Vol. iii. of this work, pp. 133, 134.

ridding in Leith Rode, whoe weayed and went aboue the Quinis ferrie, when I shotte 3 cannone off the housse of Wemyss to warne them of the Hollanders, being so neir to them, so the enimie did not perseue them att all. Notted by me one 2 May 1667, 'Wemyss.' The commanders name was Uise-Admirall Gentt of Amsterdam.[1]

The Earl of Wemyss maintained friendly relations with Archbishop Sharp from the time of the latter's elevation to the See of St. Andrews until his death, which took place only a few months before the earl's own decease.[2] There was a considerable correspondence between them, and part of it is printed in this work.[3] The establishment of Episcopacy was followed by the restoration of the church lands to the bishops, so that the earl's barony of Methil fell once more under the superiority of the See of St. Andrews. He obtained from Archbishop Sharp, in 1662, the erection of the town of Methil into a free burgh of barony, with a weekly market on Wednesdays, and two fairs in the year, 22d June and 27th December, and the feu-duty he then paid for the barony was 20s. Scots yearly.[4] In 1665 the earl executed a procuratory of resignation of the lands in the hands of the archbishop, for a regrant to himself and his heirs.[5] He intrusted the preparation and carrying through of the resignation to Patrick Scott of Langshaw, who found difficulty in obtaining the regrant in terms of the resignation.[6] He tells the story in a letter to the earl:—

[1] MS. Diary, pp. 222-224.

[2] A feeling reference to the archbishop's assassination is among the last entries of the earl in his diary. He says, "Mr. James Sharpe, archbishope of St. Androws, was murdered most cruelly att Magus neir Bleabow in Fiffe, one the 3 day of May, commonly called the Rude day. The chiffe actors uas John Balfour of Kinlouche and Ro. Hackstounne of Raffillitte, his brother-in-law, and sum 9 or 10 more of beasse mechanocke felloues, as one Turnbille, 2 other Balfours, and divers not worthe the naming, as yitt not apprehended. He was most honerably buried as Lord Primatte att St. Andrnos, the 17 May 1679." [MS. Diary, p. 376.]

[3] Vol. iii. of this work, pp. 129-141.

[4] MS. Diary, p. 296.

[5] Dated 24th July. Original in Wemyss Charter-chest.

[6] Original instrument of resignation, dated 9th August 1665. Patrick Scott resigned the lands, etc., in the hands of the archbishop, "within the dynning roume" of the dwelling house of the archbishop's brother, "Maister William Scharp, keiper of his Majestics signet, lyand on the north side of the heigh street of

Edinburgh, 17 August 1665.

RYCHT HONORABLE MY NOBLE LORD,—Last weik I wryt to your lordship of the subscryving of your charter as it was. And yit tho that be done, it is at a stand. For Alexander Forrester, my lord primat's chalmerlane told me (efter Alexander Cwnynghame haid gevin me the charter to cause make a just copy of it for him to be registrat theirby, that than he should cause seall it both with my lordis seale and the chapters seale), that my lord told him that thair was more to be said then the payment of the few dewtie (quhich was 20li for 4 yeiris, quhich I promised to give him); that lykewayis thair behoved to be wryt gevin be your lordship for coallis yeirlie, quhich stumbled me, so that I was forced to say that of my knowledge your lordship haid intentioun to be thankfull to his grace by coalls and vtherwayis, but that your lordship had no intentioun to give wryt thairfoir, and I conceaved ye wer both persones of honour, sua that I was confident your lordship wald doe your best to satisfie his graces desire in the coalls, and that his grace wald doe noblie (without distrust), with your lordship. Your lordship's scruple being most for possessioun to the kirk quhich wyl draw that vpon your posteritie that the prejudice wyl be worse than any good ye exspected by the charter. Sua thair it stands—that both Alexander Cunynhame and Alexander Foster went away in such haist, and left the charter with me vnsealed without aither speiking or wrytting farder to me thairanent. Thairefter I caused Alexander Leslie fill vp the blanks for the mercat day weiklie, Weddinsday, and for the 2 fairs, as be John Simsons letter inclosed; and hes insert 20s. yeirlie for the dewtie of the burgh of barony, and witnesses all ar filled vp compleit. Sua your lordship may tak your owne way how to cleare with my lord for satisfying his grace in that doubt, aither be going to his grace your selff, or wrytting, or sending a freind as ye please, and that the charter and dowble thairof may be taken alongs to St. Androws to be perfytted thair. . . . Your lordships most humble servant, P. SCOTT.[1]

This demand for coals was an unexpected and unprecedented addition to the Methil feu-duty; but the earl, much as he disliked it, found it expedient to humour his exacting superior. He accordingly sent him a boatload of coals on 20th September.[2] Seven days later the earl obtained his infeftment in the barony,[3] and shortly afterwards he wrote the archbishop that it was his intention to shew his gratitude by giving him during his lifetime a boat-load of coals yearly. The

the said burgh [Edinburgh]. over against Black-frier Wynd."

[1] Original letter in Wemyss Charter-chest.

[2] Vol. iii. of this work. p. 129.

[3] Instrument of sasine, 27th September 1665, in Wemyss Charter-chest.

archbishop acknowledged the favour,[1] and there can be little doubt that these coals of kindness heaped by the earl on the primate annually did much to preserve smooth relations between them as superior and vassal in Methil.

In respect of the Kirk, too, the earl and the archbishop had some correspondence.[2] In earlier days the earl and his father had cheerfully given up their rights of patronage at the bidding of the Kirk, but the restoration of Episcopacy had resuscitated these rights, and replaced them in the earl's hands. He was patron of the churches of Wemyss and Methil in Fife, and of Kirkmichael in Perthshire; and besides these he had a substantial interest in other churches, among which were those of Rynd in Perthshire, and Markinch, Ballingry, and Auchtertool in Fife. In the last-named church he was assigned a seat for himself and his tenants in Lochhead in 1657.[3] His right to the patronage of Kirkmichael was disputed in 1666 by Spalding of Ashintullie in Strathardle, but the earl established his claim by previous writs, and obliged the incumbent at that time, Mr. Francis Pearson, to come to him at Wemyss, and obtain formal presentation from him. Pearson had been pastor of Kirkmichael for the previous fifteen years, in succession to his father, but the patron seems to have considered himself obliged to make the presentation, and seek collation from the bishop of Dunkeld for the incumbent, in order to affirm his rights against the claim of the laird of Ashintullie.[4]

On his estates, and especially on Methil, the earl expended a large amount of money, in order to their further improvement and the development of their mineral wealth. His father, who first discovered the famous parrot coal of Wemyss, told him they would improve his

[1] Vol. iii. of this work, pp. 130-132.

[2] *Ibid.* pp. 134, 138, 140.

[3] Extract Act of Presbytery, 27th July, in Wemyss Charter-chest.

[4] Copy presentation, dated 25th September 1666, and various relative papers, in Wemyss Charter-chest.

fortune, and upon this he undertook the works. "The king (God bless him !)" says the earl, "did give me a new gift to bould a herbure at Methill, 1660," and he began the work in the ensuing summer of 1661. In November 1662, a great storm destroyed much of what had been done. "A great pairt of my Lord Weyms new harbory, that he was buelding bewest the Saltgreine,"[1] says Lamont, "was throwen downe and spoilt; yea, some of the uery foundation stones were turned wp, so that some did report that ten thousand markes wold hardly make up his losse againe in it."[2] Notwithstanding this, so well was the work pushed forward, that in less than two years more it was ready for use. The loading of the first boat at that harbour was an event to be remembered, and the earl thus records it in his diary—

I uas one 6 September 1664, 54 yeirs of eaydge. One 15 September 1664 Andrew Thomsone in Leiuen did leade his botte in the new herbure of Methill, with colles from the colle of Methill, being 60 leades of colles, and he did tak them to Leith one 17 of September 1664, which uas the first botte that did leade uith colles att that herbure. The colles uas well loued att Leith, and since thorrow all sea ports in Scottland, I sould them then att 5^{li} the 12 lodes, and 2 sh. to the griue. I giue 22d. for uining them to the coller, and 1 sh. 2d. to the caller (driver) of them from the colle pitte to the herbure. Notted 22 Sepr. 1664.—Wes.[3]

In the following years operations were continued, and two salt pans were built, "with a new howse, high and low, with divers rowms, att the said harbowr, the roofe being a plaitforme." The earl also built a cross "beyonde James Lundy's howse in the linkes, not nire any howse, 5 steps high rownd abowt, and in the middest of itt a long peice of wood standing vp with a thane[4] on itt, having E^{r}. D. W. and C. M. W. cutt owt of the iyron." He also built a wooden bridge over the river Leven, a little above the Bass Mill, for the greater sale of his Methil coal, but a few months later it was seriously injured by a

[1] Caldcoits or Innerleven.
[2] Lamont's Diary, p. 157.
[3] MS. Diary, p. 211.
[4] A vane.

storm.[1] To make his harbour safer, the earl cut down a reef of rock which stood in the entrance, and built new salt pans with the stone thus acquired. Altogether the expenditure on the harbour and relative works cost him the round sum of £100,000 Scots. He computes it thus :—

I most shew you what thes works hes beine to me since 2 May 1662 that I begoude that herbure or peire of Methill to this 2 Febr. 1677, being many yeirs. The stone herbure uas thrisse ouir throwin or I gott itt to any perfectione, and it hes beine to me 40,000 lib. Scotts to this day, 2 Febr. 1677.—"Wes." Then the myind for to drye the 7 colles uas 30,000^{li}; then the boulding of 7 pans and ther patts 20,000; then that gritte doubell housse, and the horsse work that uas 5 yeirs one colle att the Hill of Methille or the mynd uas wrought, cost 10,000^{li}.—"Wemyss." Soe doe trewly declare all was 100,000^{li}.[2]

The two Methil fairs began to be held in 1666, and the countess took much interest in their commencement. She expended nearly one hundred dollars on wares for the chapmen, and a horse race was inaugurated, in which a saddle, a bonnet, and a pair of shoes were the prizes.[3] The earl's other burgh of barony, West Wemyss, had also its annual fairs, six in number,[4] besides a weekly market on Friday. The earl, however, was merely tacksman of the customs of his burgh, the lessor being the town of Inverkeithing.[5] West Wemyss had its tolbooth, where the earl held his baronial courts. He also held courts in connection with his office of bailie of the river Leven, in which chiefly poachers appear to have been dealt with.

[1] Lamont's Diary, pp. 139, 140, 190, 196.

[2] MS. Diary, p. 295.

[3] Lamont's Diary, p. 140. In referring to these fairs in his diary, the earl says, "Ther is also a wickly markitte att Methill Toune (alias Ennerleiuen), one every Weadensday, as in this yeir 1670—Wemyss" [MS. Diary, p. 227].

[4] 2d February, 25th March, 27th June, 15th August, 8th September, and 8th December [MS. Diary, p. 227].

[5] Leases in Wemyss Charter-chest. In 1655, Earl David took a fifteen years' lease, for which he paid to the town of Inverkeithing £100 Scots as grassum, and an annual duty of £5 Scots. [Lamont's Diary, p. 94.] An alphabetical list of the customs of West Wemyss was issued by the earl in 1679, to which he attached his seal. [Original in Wemyss Charter-chest.]

While he did much for the improvement of Methil and other parts of his estates, the earl did not forget his castle home. In September 1669 he contracted with Mr. Robert Milne, master mason to the king in Scotland, to build a house 83 feet long, of four storeys, with fifty-three windows, thirteen doors, and thirteen chimney pieces, but in December this contract was annulled in favour of one for additions merely to the old hall, the first of 117 feet in length, 28 feet in breadth, and four storeys in height, with the battlement ranging with the old one, and the second addition going north, of 37 feet in length, and 26 feet in breadth. These additions included a dining-room, a drawing-room, two bed-chambers, and two closets all on the same floor. On a "blewstone" obtained in the sea quarry of Lord Melville, at Seafield, within tidemark, were cut the armorial bearings of the earl and countess, their names, and the year 1670, and it was built into the new addition to the castle on 22d October of that year. The building cost upwards of £300 sterling, and the lead for the roof, which was brought from Newcastle, with the putting it on the roof, cost £4785 Scots.[1]

"Thers nothing mor requisitte about any family then good watter," says Earl David in his diary, and he adds, "Att West Wemyss housse I haue head sum dificultie to preserue watter to my housse." He narrates his efforts to secure a supply by working the coals underground closer to the house, and then proceeds to say:—

> I most show posteritie that the tu walles (wells) in the outter closse does rander euery 24 houres, at least 300 pynts of watter of a spring dayly, and more tue nor this. So ye haue watter in abundance for euer if ye work noe more of the pleace colle of 8 fitts, nor the walle colle of 4 fitts; ye can neuer want watter to your housse, for it stands 3 faldomes of watter in boeth, yea it filles to the tu mynds I caused work out of the walle colle. Written by me one the 19 day of June 1678.—Wemyss.[2]

With regard to the estates of the family, Earl David does not appear to have either increased them by new purchases, or diminished

[1] MS. Diary, pp. 259, 260, 263, 266, 270.

[2] *Ibid.* pp. 336, 337.

them by sales. Perhaps the only case of this kind was the granting of the lands of Cameron, in 1661, to David Wemyss, eldest son of James Wemyss, fiar of Caskieberran, and these lands were recovered by the earl again in 1672.[1] He also recovered to the family the lands of Innerleven, Caldcoits or Saltgreen, purchasing them in 1654 for 8000 merks from David Boswell, fiar of Balmuto.[2] Boswell and the earl were each proprietor of one-half of the lands of Cartmoir in Lochoreshire, and there exists among the Wemyss muniments a charter of these lands granted by them to William Knox of Comon.[3]

The mineral resources of the Wemyss estates were carefully fostered and tended by the earl throughout the whole of his life. They consisted almost entirely of coal and the manufacture of salt, both of which commodities he exported in large quantities. His diary is very largely taken up with his works in and about the mines, prospecting for and opening new fields of coal, and the details of his plans and methods of working and transporting the material; also the building and management of the salt pans, and his relations with his colliers and salters, as these varied from time to time. Much that is recorded by the earl on these subjects is highly interesting and instructive, but cannot be dealt with at length in the present memoir. Had circumstances permitted, the earl would have doubtless largely extended alike his estates and his coal mines. The following extract from his diary, written shortly before his death, as his parting advice to his successors, is a convincing proof of this. He says:—

I have sett doune the trew condition of all my colles, that my posteritie may know how I left them at writting of this att Candilsmasse, 1677. Seeing I haue satled my holle esteat one my deir doughter (Lady Margret Wemyss), and maried hir one my worthie cousine Sir James Wemyss, now Lord Bruneiland, wishing God to blisse them and ther posteritie, to liue long to injoy itt with all happines. And ther is one thing that I most liekways bestoue one them, which is my hiddine thoughts and humbil

[1] Original documents in Wemyss Charter-chest.

[2] *Ibid.*

[3] Dated 7th June 1658. *Ibid.*

aduice in a particular uhich does conserne them and ther posteritie wery much (as I conceaue itt).

It is well knowen that I leaue them many good colles att West Wemyss, and also att Methill 7 ther; uhich colles serues the most peart of Fiffe by land. And I being desirus that it may be for many eadges to cum; being done as follous. My aduice to my posteritie is to by the lands of Balcouruie, Haugh, mill and Brigend of Camrone, as also the lands of Dounnie-feace, which lands ar the leard of Douries at present eritably.

The earl assigns as his reason that he had ascertained, by various and sure methods, that the Wemyss coal seams extended below the Leven into these lands, and he refers to the labours of the father of the then laird of Durie, Alexander Gibson (the Lord Clerk Register), in the Duniface lands, but which had been stopped irremediably, as he thought, by breaking into old workings, and an inflow of water. Then he proceeds :—

I think it not fitt that ye should by New Dourie mille and its lands about it (which is not much), for ye may perceaue that the chimmies colle ar weasted in itt, by the sinks ye sea one it. So meaddell not with it althoe it uar in your proffer to by. Farder, the holle baronie of Dourie is thirled to itt, so its not liekly that Dourie uill sell itt at all. The ways how ye may effectuatt this proiect in bying of this lands of Balcuruie and Dunnifeace from Dourie, I leaue that to your self. But this I leaue to you as my fatherly aduice, as I would haue done myself; for what I haue written is most trew, and ye may trust to itt, and I haue written and subscriued this one 7th day of Februarie 1677.—Wemyss.

After writing this the earl went off and had a look at the lands, and he then proceeds to counsel posterity to buy the lands of Balcurvie first, if possible, and he thought they should get them easily on the death of their possessor, Mr. John Ramsay, or even from him in his lifetime, for a little more than Ramsay had paid for them to Durie. The purchase of Balcurvie first would not alarm Durie, whose activity in that district as regards coals the earl was most anxious not to awake, for in these lands there was as yet no appearance of coal,

although he assures posterity there would be eight seams found in it. "If," he says, "we head the lands of Ballcuruie, I would not caire much for Dounniefeace lands, for all my 6 colles at Wemyss lyes in Ballcuruie att the watter of Leiuen." And they would also have the two coals there which had been wrought by the lairds of Durie, to wit, the "chimmeis" coal, which was standing drowned, and the "Alrine Busse" coal, of which, says the earl, "I fand itt att Wester Camrone mille dore, 1642, and wrought 3 rumes in itt . . . and so did lett itt stand least Dourie should haue found it one his seid in Balcuruie lands."[1]

One thing which prevented the earl carrying out these energetic proposals was the pecuniary embarrassment in which he found himself after the completion of his great harbour works. These, however, were not the main cause of this state of affairs. He had become a large loser by engaging as surety for friends, and by furnishing money from time to time for the public service. So early as 1655 the sum amounted to 148,200 merks Scots, and in 1675 he reckoned it at over 130,000 merks. In his diary, under date 16th February 1677, he writes: "Heir ar soummes peid by me in cationrie for frinds, which to this day I am peiing anual rents for them, and has done ther 30 yeirs past this day." These were, the Earl of Menteith, 8000 merks; Lord Gray, 10,000; Sir James Stewart in Orkney, 3000; Sir Patrick Douglas of Kilspindie, 4000; Colonel Andrew Gray, 5000; Lord Angus, 4000; Mr. John Wemyss of Lathoker, 10,000; the laird of Inverleith, 8000; Lord Morton, 3000; the Earl of Argyll, 4000; his grandfather, 11,000; Lord Lovat, 50,000; and Sir James Fraser of Brea, 15,000. Besides these, which amount to 105,000 merks, the earl elsewhere mentions as due to him by the public, 20,000 merks; and by the executry of Lady Mary Scott, Countess of Buccleuch, 60,000; but these and several others, such as that of Lord Gray, the laird of Inverleith, the tutor of

[1] MS. Diary, pp. 311-324.

Lovat, and Lord Angus, he regarded as "desperatt debetts," and as "lost vnrecouerably."[1]

The large debt due by Lord Lovat to the earl was incurred in this way: His aunt, Isobel Wemyss, married Hugh, Lord Lovat, and their son Hugh, Master of Lovat, married, as shewn on a previous page, Lady Anne Leslie, eldest daughter of Alexander, first Earl of Leven. The Master of Lovat predeceased his father in 1643, leaving a son, Hugh Fraser. Hugh, Lord Lovat, died in 1646, having nominated as curators for his grandson, the Earls of Leven and Wemyss, John, Earl of Sutherland, and Archibald, Marquis of Argyll. From his relationship to the family of Lovat, and out of a regard for its welfare, the Earl of Wemyss was persuaded to purchase the gift of the ward, nonentry, and marriage of the heir, which was procured for him by the Earl of Leven. For the further benefit of the estate the earl, in conjunction with Sir James Fraser of Brea, tutor of Lovat, purchased from Lady Anne Leslie, the widow of the Master of Lovat, her liferent rights on the Lovat estate for 35,000 merks. The gift of the ward involved the superintendence of the Lovat estate by the Earl of Wemyss, and also the care of the young Lord Lovat; and he notes in 1674 that he had expended 3000 merks for keeping Hugh, Lord Lovat, at schools and colleges, and for his teachers, servants, and horses. The management of the estates, however, was intrusted by the earl to factors, who were, first, Sir James Fraser of Brea, tutor of Lovat, being brother of the young lord's deceased grandfather, and after his death in 1649, Alexander Fraser, Master of Lovat, being next brother to the young lord's father. Matters did not go smoothly between the earl and the master, and in 1667, as soon as the young lord

[1] MS. Diary, Appendix, pp. 84-88, and 116. The earl also mentions the Royal Society of Fishing for Scotland, of which Robert Baird of Sauchtonhall was treasurer, as due him 2000 merks. He joined the society in 1670, taking shares to the extent of £200 sterling. He paid one-half that sum, and then stopped, and adds that "On 30 Novr. 1675 we haue receaued neither monys nor count nor rackning, and so itt stands." [*Ibid.* pp. 215, 297.]

reached his majority, the earl assigned in his favour the gift of ward and marriage. In exchange for that gift, the earl received from Lovat a formal discharge for all his intromissions with the estate, from the whole of which he had received only about £30 sterling or thereby. The earl also received from Lovat a ratification of his proceedings in selling some portions of the Lovat estate for the benefit of the whole, and a bond for the sum due to him. This debt was not paid during the earl's lifetime, and for it after his death his daughter apprised the Lovat estates, as by that time it had accumulated to nearly 60,000 merks.[1]

The Argyll debt was one bequeathed from the earl's grandfather, who had become cautioner in 1612 for Archibald, seventh Earl of Argyll, in a bond for 8000 merks, to Mr. James Raith of Edmonstone. The Marquis of Argyll became bound for the debt as heir to his father. Owing to the forfeiture of the marquis the debt was considered "desperate," but the earl was advised it might yet be recovered.[2]

Another loss was the cautionry of the first Earl of Wemyss for William, eighth Earl of Menteith, which was indeed hopeless, owing to the unfortunate turn of that nobleman's affairs.[3]

The earl was further a loser by being executor to his deceased sister, Lady Anna Wemyss, Viscountess of Stormont, to the extent of 18,000 merks. This explains his curt and unceremonious reply to a letter from his niece, Jean Lindsay, Lady Torphichen, both of which are printed.[4] He obtained a formal discharge of his executry from his niece a year or two later.[5]

On the other hand, and largely in consequence of these cautionries and losses, the earl was himself considerably involved in debt. In his diary he makes careful note, annually and termly, of all his creditors,

[1] Original papers in Wemyss Charter-chest.

[2] *Ibid.*

[3] The Red Book of Menteith, by William Fraser, vol. ii. p. 169.

[4] Vol. iii. of this work, pp. 98-100.

[5] In 1657. Original in Wemyss Charter-chest. Lady Torphichen was the only child of Lady Anna Wemyss, Viscountess of Stormont, by her first husband, Alexander Lindsay of Edzell.

and thus from his own memoranda it is ascertained that in 1660 his indebtedness amounted to 246,130 merks. In 1666 it fell to 189,450 merks, but reached in 1671 the sum of 213,650 merks. Arrangements about to be referred to, brought about a considerable decrease in the following year, and in 1679, the year of the earl's death, he was due only about 140,000 merks.[1]

It was this state of affairs, coupled with the loss by death of his promising son and heir at the age of sixteen years, which induced the earl to settle his titles and estates on his daughter Lady Margaret, now his only surviving child by Lady Margaret Leslie. She was then only thirteen years of age, but like her sister-uterine, she was thought of a sufficient age to marry. Her husband-elect was Sir James Wemyss of Burntisland, and the marriage contract, which is dated at Wemyss, 25th December 1671, states that in contemplation of the marriage Sir James Wemyss obliges himself to pay to the earl for the relief of his debts, 200,000 merks Scots, which was to include a debt of 36,000 merks due to him by the earl. On the other hand, the earl became bound to resign all his estates and offices in favour of his daughter and her husband, and the heirs-male of the marriage, whom failing, their daughters, successively without division, etc.; and failing heirs of this marriage and other heirs of the body of Sir James Wemyss or Lady Margaret, the heirs-male of the marriage of James Wemyss, younger of Balfarg (a descendant of Wemyss of Bogie), with Mrs. Anna Aytoun, the earl's niece. The earl's liferent of all the lands was reserved, saving the Elcho and Lochgelly lands, which were to be given to Sir James and Lady Margaret for maintenance. Other provisions reserved the liferent rights of the Countess of Wemyss, secured that the husbands of heirs-female should bear the surname and arms of Wemyss, and enabled the earl to redeem his estates, etc., if he should yet have an heir-male of his body to succeed him.[2] The mar-

[1] MS. Diary. Appendix.

[2] Original contract in Wemyss Charter-chest.

riage took place at the kirk of Wemyss on 28th March 1672.[1] Sir James and Lady Margaret resided with the earl at Wemyss Castle, a contract of aliment being made between them in 1673, whereby the earl recompensed himself for their maintenance from their lands.[2]

This settlement of the Wemyss estates was not at all relished by some members of the family, and especially by the earl's only other surviving daughter, Lady Jean Wemyss, then Countess of Sutherland. From the apparent paucity of intercourse between them, and from the terms of some correspondence that took place at this time, it is evident there was a coolness between the earl and his daughter, although in 1666 the countess writes from Dunrobin to her father, in affectionate terms, in reply to a letter from him, asking him to allow her children to live in the castle of East Wemyss if the plague appeared in Edinburgh, as it was feared it might.[3] During the lifetime of Lord Angus, her first husband, the earl had intrusted his niece, Jean Lindsay, to their care, and they, without asking his consent, married her to Lord Torphichen—a good marriage, the earl admitted, if only his consent had been obtained. In this and in other respects Lord Wemyss complained that the Earl of Angus, his son-in-law, had proved "a fallse man," and Lady Jean "ane ungriatt false doughter."[4] It is observable, too, that in all the charters and dispositions of entail of his estates from the time of his third marriage, the earl restricts the destination of heirs to the issue of that marriage, ignoring the fact of the existence of Lady Jean and her children. But in a letter to Lady Ruthven, the sister of his first wife, who wrote to him respecting the proposed marriage and settlement of the estates on Sir James Wemyss, he gave as his reason that a Wemyss must have all before any other name, for he would never put his house out of that ancient name for any other in the world.[5]

[1] MS. Diary, pp. 305, 361.

[2] Contract dated Wemyss Castle, 1st July 1673.

[3] Original letter in Wemyss Charter-chest.

[4] Vol. iii. of this work, pp. 112, 113.

[5] *Ibid.*

The Countess of Sutherland urged her claims and those of her children upon her father with great earnestness, but could not prevail with him to alter his resolution. She asked the Earl of Rothes to interfere, but he declined; and when the signature for the new charter was passing through the Exchequer, protest was made by order of the Marquis of Douglas and others in her name against it. She endeavoured also to enlist the sympathy of Anna, Duchess of Buccleuch and Monmouth, but it was not accorded. Her son, Archibald Douglas, Earl of Forfar, wrote, expostulating with his grandfather, and asking to be placed in the entail next to his aunt and the heirs of her body, otherwise he would look upon the omission as an affront, which rather than witness he would seek his fortune in a foreign land. The Duke of Hamilton was also implored to intervene, but the Earl of Wemyss was deaf to all entreaties.[1]

By an Act of Parliament passed in September 1672, all who bore heraldic coats of arms were required to submit them within a year to the Lyon King of Arms, Sir Charles Erskine of Cambo, for authentication. The Earl of Wemyss accordingly submitted his, and obtained a patent, setting forth his true armorial coat, with crest and motto.[2]

The Earl of Wemyss, probably from his connection with the late general of artillery, his son-in-law's father, possessed an unusual amount of ordnance. The Earl of Argyll in 1675 purchased seven pieces of light ordnance, known as leather guns "wedillesed," four carrying a two-pound and three a four-pound ball, for his "birlins," or galleys.[3]

About this time also the earl received letters from Francis, Baron de Wemyss, an officer in the service of the Emperor at Vienna, who claimed descent from the lairds of Wemyss. The correspondence, however, was mainly carried on by the earl's son-in-law, James, Lord

[1] Vol. iii. of this work, pp. 113-121; The Douglas Book, by William Fraser, C.B., vol. iv. p. 271.

[2] Vol. ii. of this work, pp. 252, 253.

[3] Vol. iii. of this work, p. 121.

Burntisland, and as the baron claimed descent through the same branch of the family as that to which Lord Burntisland belonged, it will be more particularly referred to in the following memoir.

The earl died at Wemyss Castle in the month of July 1679, after an illness of but a few days' duration. He was buried in the family aisle at the parish church in East Wemyss. His testament was given up by his daughter, Lady Margaret, as sole executrix, and shows that while his personal estate and the debts due to him amounted to £23,949, his indebtedness was £94,090, 11s. 3d. Scots.[1]

Lady Margaret Leslie, as Dowager-Countess of Wemyss, survived till February 1688, and was interred at her own desire beside her third husband.[2]

As has been stated, David, Earl of Wemyss, was thrice married. By his first and third wives he had a numerous offspring, but only one daughter by each of these two wives survived him. By his first wife, the Honourable Anna Balfour, daughter of Robert, Lord Burley, he had the following children :[3]—

1. John, born at the Chapel of Wemyss on Tuesday, 22d November 1627. He died before 1636.
2. Jean, born at Burleigh on Friday, 19th June 1629. She married, first, on 26th April 1649, as his second wife, Archibald, Earl of Angus, who died on 15th January 1655 ; and she married secondly, on 11th August 1659, George, Lord Strathnaver, afterwards fourteenth Earl of Sutherland. She had issue to both husbands, and died in January 1715.
3. Margaret, born at Falkland (the residence of Lord Burley), on Saturday, 24th September 1630. She predeceased her

[1] Vol. ii. of this work, pp. 321-323.

[2] *Ibid.* p. 258.

[3] MS. Diary of the Earl, pp. 78-82. He states that the children of his first wife were eleven in number, though she "pearted with thirteen att least," and that the birth-days were noted by him on 27th November 1649 "att ane paaper of my wife's oune hand."

mother. She was living on 17th May 1648, but she was then dangerously ill, and probably died soon after.

4. David, born at the Chapel of Wemyss on Tuesday, 5th June 1632. He died before 1649.
5. John, second of the name, born at the Chapel of Wemyss on Tuesday, 10th December 1636. He died before 1646.
6. Mary, born at the Chapel of Wemyss on Wednesday, 7th February 1638. She survived her mother and is mentioned as a legatee in her will.[1] After his marriage to Lady Margaret Leslie, the earl made a bond of provision in favour of his daughter Mary, but she died unmarried at Wemyss on 12th October 1654, in the seventeenth year of her age, and was interred in the church there on the 14th of the same month.
7. Robert, born at Burleigh on Saturday, 1st August 1639. He died before 1649, as his father notes that John, the younger brother of Robert, was then the only son alive.
8. Isabella, born at Wemyss on Monday, 14th February 1642. She predeceased her mother.
9. Anna, born at Wemyss on Wednesday, 20th September 1643, and named after the earl's sister, Anna, Viscountess of Stormont, who died at Wemyss the same day. She also died before her mother.
10. John, third of the name, born at Wemyss on Saturday, 7th February 1646. In 1649 the earl writes of him as "now my eldest sone that lives."
11. Alexander, born "att West Wemyss House" on 20th October 1647. Both he and John were alive at the time of their mother's death and are mentioned in her testament, but both were dead before 1653.

Of the earl's second marriage, with Lady Helenor Fleming, eldest

[1] Vol. ii. of this work, pp. 231-233.

daughter of John, Earl of Wigtown, there was no issue. By his third marriage, with Lady Margaret Leslie, he had four sons and a daughter.[1]

12. John, so named after his uncle John, Earl of Rothes, born at Wester Wemyss on 18th December 1653, but he died at the age of two years.

13. David, who during his lifetime, as the eldest son of the earl, bore the title of Lord Elcho. He was born at Wester Wemyss on 13th March 1655. He accompanied the earl and countess to London when they went thither with Lady Anna Scott on her marriage to James, Duke of Monmouth. Lady Anna mentions him frequently in her letters with affection. In one to her step-father, she writes, "My lord, I could not bot let you knou of ane verie fine galant I have gotn sene the duke want weth the king to carie me to the play. It is my brother Elho. Hi dos love them verie well." And in another she writes, "My wankle tels me that my brother is gron the boniest litle man that hi ever did se, and I am exstremly glad to hear it. I hop in God that hi shall bi a confort to your lordship and my lady, when you are both a hunder yirs olod."[2] But this was not to be. In his diary the earl notes the melancholy fact of his premature death, "The Lord giues and he taks—all is his. But we being in a sade conditione, sauing his holy pleasure, I most shew that Dauid Wemyss my secund sone heir aboue named, being 16 yeirs ould and 6 months and 15 days, died att Wemyss, 28 September 1671, att 5 morning, he being my only sone of 10. He was buried 10 October 1671 att Wemyss Kirk."[3] The laird of Brodie states that Braco told him "that the bishop of St. Andrews cam with 500 hors to the burial of Elcho."[4]

[1] MS. Diary, pp. 82, 361.

[2] Vol. iii. of this work, pp. 124-127.

[3] MS. Diary, p. 82.

[4] Diary of the Laird of Brodie. Spalding Club, p. 322.

14. Hew, born at West Wemyss on 23d May 1656, but died at the age of three years.
15. John, "the secund Rothes godsone," born at West Wemyss on 13th October 1657, but he also died at the age of three years.
16. Margaret, born at West Wemyss on 1st January 1659. On the death of her father, she became Countess of Wemyss, and of her a memoir follows.

XVII.—Margaret, Countess of Wemyss and Cromartie.

Sir James Wemyss, Lord Burntisland.

George, first Earl of Cromartie.

1679—1705.

Margaret, Countess of Wemyss, inherited the energy of character which was so conspicuous in her father, the second Earl of Wemyss, and also in her mother, Lady Margaret Leslie. Countess Margaret was a lady of eminent Christian character, and much beloved by her own family and friends. Her letters to her daughters and her sons-in-law show much tenderness and affection towards them. She was twice married, and her wedded life was, in each case, very happy. She and her first husband lived very amicably with her parents at Wemyss. Her second husband, the learned Earl of Cromartie, on her death was inconsolable under his bereavement, and he expressed his sorrow in a monumental inscription composed in classic language, and in various other forms, dedicated to her pious memory and unparalleled virtues.

Yet this most exemplary lady was placed in an invidious position. She was the youngest of sixteen children, who all died young and unmarried with the exception of herself and an older sister, Lady Jean Wemyss, Countess of Sutherland, a daughter by her father's first wife. In ordinary circumstances, the elder daughter would have inherited the peerages and property of her father; but in the present case, owing to special circumstances, the younger daughter was preferred to the elder. The last was thus made first, and the first last. When Countess Margaret inherited the honours and estates of Wemyss on

the death of her father in 1679, her elder sister disputed her right, and the claims of the two sisters were discussed before the Parliament of Scotland, with considerable keenness on both sides, as will be shown in the course of the present memoir. In the end Countess Margaret retained possession of both the honours and estates of Wemyss, which she transmitted to her eldest son, who on her death became third Earl of Wemyss.

Lady Margaret Wemyss was born on 1st January 1659. She had but reached her thirteenth year, when her father, whose hopes of male succession had been finally blasted by the death of the last of his ten sons, and whose estates had fallen into financial embarrassment, received an offer from a kinsman for her hand in marriage, on terms which promised at once the preservation of the line, and the extrication of the family possessions. It was accepted, and the terms of the marriage contract were arranged at Wemyss in December 1671. These have already been adverted to in the previous memoir.

Sir James Wemyss, the bridegroom-elect of Lady Margaret Wemyss, was the only son of General James Wemyss, Master of Ordnance to King Charles the Second. He was a scion of the house of Wemyss, being descended from the Caskieberran branch. David, second Earl of Wemyss, says that Sir James's "gritte gritte grandfather and myne was full brothers."[1]

David of Wemyss of that ilk, who flourished from 1513 to 1544, had three sons, John, who succeeded to the estates, Captain David Wemyss of Dron, and James, ancestor of the family of Wemyss of Caskieberran. In 1554, James Wemyss was in Caskieberran, which he appears to have held in feu from the abbey of Dunfermline, along with the lands of Blairothy.[2] His wife[3] was Janet Durie, lady of

[1] Vol. iii. of this work, p. 113; Diary of Earl David, p. 361.

[2] Registrum de Dunfermelyn, pp. 481, 491.

[3] It is usually said that he married Janet Wardlaw, and obtained Caskieberran with her; but the statement is not supported by evidence.

Carden, in the parish of Auchterderran, county of Fife, so called from her conjunct-fee right to that estate, she being the widow of David Martin of Carden, and she bore to James Wemyss of Caskieberran eight sons and three daughters, whose names are given in her testament. She died in July 1578, survived by her second husband, his eleven children, and a son of her former marriage. The names of the eight sons of James Wemyss of Caskieberran were James, Robert, John, Patrick, Duncan, Thomas, David, and Gavin, and of the three daughters, Janet, Isobel, and Marion.[1] According to tradition, five of these sons went to Flanders, and one of them was ancestor of the family of Wemyss in Italy represented later by theCount de Wemyss. To them reference will afterwards be made.

The main line of Caskieberran continued for several generations. One of the prominent members of the family was Colonel James Wemyss, the father of Sir James. He left home when quite young, and was in England with an uncle, Colonel Robert Scott, a member of the family of Scott of Balwearie, with whose household he received a grant of denization in 1630. His son says he served under Gustavus Adolphus in his campaign in Germany, but this may have been before he went to England. In 1633 he is mentioned as residing at Vauxhall, and as being employed in effecting improvements there upon the royal ordnance. In the immediately following years he is mentioned as in receipt of money from the Treasury for the teaching of a school at Kirk Leatham, opened for the benefit of the children of the poor who wrought in the alum-works. He had a large inventive faculty with regard to artillery, arms, and machinery in connection with mining work. In July 1637 he petitioned King Charles the First for some relief to satisfy his creditors, as he had been for seven years in the royal service, had spent about £1000 therein, and had never received one penny. Now he was in danger of being thrown into prison by his

[1] Commissariot Records of Edinburgh, 12th January 1578-9; Papers in Melville Charter-chest.

creditors. The appeal was not made in vain, and a year later he held the office of Master Gunner of England, and continued to hold it during the life of King Charles the First. In 1648 James Wemyss returned to Scotland, and brought his inventions under the notice of Parliament, with the result that he was afterwards appointed, by King Charles the Second, General of Artillery and Engineering, and Master of all ordnance and arms in Scotland during his lifetime.[1]

Colonel James Wemyss, as he was now designated, remained in Scotland and among his kin for more than a year, and was present at the contracting of Lieutenant-Colonel David Wemyss, a member of his own Caskieberran branch of the family, to Agnes Lundy, a sister of the laird of Auchtermairnie,[2] and also at the contracting of his chief, David, second Earl of Wemyss, to his second wife, Lady Helenor Fleming.[3] On the march into England by King Charles the Second in September 1651, Colonel Wemyss accompanied him in command of a regiment, which was specially embodied for him, but he was taken prisoner after the defeat of the Scots at Worcester, and carried to Windsor Castle. He was released on parole in June for a month on finding two sureties in £1000 each, and similar favours were afterwards extended to him on account of his health, and in the beginning of 1654 he made another short visit to Scotland.

Later in the same year he had returned to London, for an unknown correspondent, writing to Lieutenant-General Douglas from London on 20th September of that year, refers to him as willing to tender his services to the King of Sweden. "Heir," he says, "is Colonell Weimes, a wery gallant and braw experienced gentlman, out of imployment, if his Majestie wold desire or stand in neid of him he wold tender his

[1] Vol. ii. of this work, p. 319; vol. iii. p. 267; Diary of David, second Earl of Wemyss, p. 361; Acts of the Parliaments of Scotland, vol. vi. pp. 18, 164, 477, 482, 525, 579.

[2] Lieut.-Col. David Wemyss was killed in 1650 at the battle of Dunbar. His marriage-contract and testament are in the Wemyss Charter-chest.

[3] Contract of marriage in Wemyss Charter-chest.

serwice to him, and come ower and waitt upon him. The gentlman is a wery raire and gallant wnderstanding man of artillerie, and ewry way a compleat souldier."[1] He, however, entered the service of the Commonwealth, and appears to have been appointed to his former post of Master Gunner of England, as at the Restoration a petition was presented by Thomas Taylor, who had served forty years as master gunner of ships, for the post, "in case the present master gunner, Mr. Wemyss, who bore arms for the Parliament, be dismissed."[2]

Colonel Wemyss was restored by King Charles the Second to both his former offices in England and Scotland, and these he retained until 1666, when his English office of Master Gunner was given by the king to another person on the promise of compensation for the same, and his Scottish office of General of Artillery he demitted into the king's hands in November of that year, on account of the heavy losses and expenses he had incurred in the service, with the debility of old age and frowns of fortune. He had previously petitioned the king for relief, his outlays being increased by vexatious lawsuits which he ought not to have been required to undertake, and he took his leave of the king desiring to remain his Majesty's "most humble but ruined servant."[3] He died at London in the year 1666. He had married an English lady there, who brought him some property situated a few miles distant from London. By her he had only one son, Sir James Wemyss. General James Wemyss also acquired some property in Scotland, including the castle and mills of Burntisland, called the Seamills, all of which he left to his son.

Sir James Wemyss thus acquired the designation of Burntisland. He sold his English property in order to relieve the burdens on the

[1] Original letter in Melville Charter-chest.

[2] Lamont's Diary, p. 68; Balfour's Annals, vol. iv. p. 73; English State Papers, Domestic Series, 1630-1660.

[3] Vol. ii. of this work, pp. 244-247; vol. iii. p. 267; English State Papers, 1663-1667; Acts of the Parliaments of Scotland, vol. vii. pp. 46, 127; App. 17, 104.

estates of the Earl of Wemyss, and in terms of the arrangement between the earl and him, made over for that purpose the sum of 200,000 merks. The earl in turn made a new settlement of the Wemyss estates and honours upon his daughter Lady Margaret and the heirs of her marriage with Sir James Wemyss, which marriage was celebrated on 28th March 1672 in the church of Wemyss by Mr. John Ramsay, minister at Markinch. By the influence of Anna, Duchess of Buccleuch and Monmouth, half-sister of Lady Margaret, Sir James Wemyss obtained in the same year a patent creating him a lord of Parliament for life, by the title of LORD BURNTISLAND, and a few months later a patent was also granted in favour of Lady Margaret and her heirs of the dignity held by her father.[1]

In the following year there was another rearrangement of the estates, and a new series of charters obtained. In 1671 David, Earl of Wemyss, had resigned his lands and obtained a regrant to himself, the heirs-male of his own body (who might yet be born of his marriage with Lady Margaret Leslie, or of any other marriage), whom failing, to Lady Margaret Wemyss, his daughter, and her heirs male or female. Again, in 1673, he made another resignation of all his estates for a regrant to his daughter and her husband and their heirs, provision being made for a possible future son reacquiring the earldom by redemption.[2] This, however, was a contingency which never occurred. The barony of Methil was dealt with in a similar way, being resigned by the earl and regranted to Lady Margaret and her husband by Archbishop Sharp.[3]

[1] Diary of David, second Earl of Wemyss, pp. 305, 361; vol. ii. of this work, pp. 248-251.

[2] Instrument of resignation, 10th January; signature for charter of regrant and crown charter, 24th January; and instrument of sasine, 24th February—all 1673, in Wemyss Charter-chest.

[3] Instrument of resignation and charter, dated 27th March 1673 (to the charter, Robert Sharp of Banffhill, brother of the archbishop, is a witness); also instrument of sasine, dated 29th March, same year, in Wemyss Charter-chest.

The earl retained the liferent of all the estates with the exception of those at Elcho, which were given for the maintenance of the fiars. But as they, Lord Burntisland and his wife, consented to live at Wemyss with the earl, a mutual arrangement was made whereby a sufficient portion of the returns of the Elcho estates was conveyed to the earl to defray their charges.[1] They appear to have continued to reside there.

During the time Earl David and Lord Burntisland lived in family together at the castle of Wemyss they received a communication from a gentleman in Vienna of their own surname, and claiming to be a scion of the family. This was Francis, Baron de Wemyss, colonel, quartermaster, and engineer of the fortifications of the city of Vienna, etc. He was the eldest son, he explains, of Cornelius Wemyss, to whom, in 1630, the Duke of Mantua gave the title of Baron, who again was the eldest son of Cornelius Wemyss, who came from Scotland about 1590, settled in Flanders, and was killed at the battle of Nieuport.

Baron Wemyss in his letter further explained that this Cornelius Wemyss who came from Scotland, and died at Nieuport, left, besides Cornelius, other two sons, Andrew, a captain in the service of the emperor, who died in Bohemia, and Leonard, in the same service, who died young; also a daughter, who became a nun at Bruges. The eldest son, Baron Cornelius, entered the Venetian service, married a lady of the family of Andreis, in the province of Brescia, acquired some property there, rose in the army to the rank of colonel and "sergeant-general de battaille," and, as stated, obtained the dignity of baron. He died in April 1678 at the age of eighty-four, leaving three sons and three daughters, of whom the writer, Baron Francis, was the eldest. His two brothers were, like himself, soldiers in the Venetian army, Colonel Alexander being governor of the Fort

[1] Mutual contract, Wemyss and Burntisland, 1st July 1573, in Wemyss Charter-chest.

of Asola, and Andrew being governor of Cattaro in Dalmatia. Of his three sisters, one was married to a gentleman of Brescia, another had married a wealthy member of the family of Piatti, of the city of Bergamo, but trading at Venice, and the third was abbess of a monastery at Asola. They had assumed as their armorial bearings a lion rampant, *or*, in a field, *azure*, with a star in the left paw and a sword in the other.

The Earl of Wemyss and Lord Burntisland were much gratified by receiving this intelligence of eminent members of the family in Europe, especially as they were able to recognise in the account of his ancestry given by Baron Wemyss an agreement with the tradition respecting the Caskieberran branch of the family, that five of the eight sons of James Wemyss of Caskieberran had gone abroad to seek their fortune. One of these must have been the grandfather of the baron, though the name Cornelius certainly did not appertain originally to any of them. But the real name may have become forgotten through lapse of time, or such a name may have been assumed for some purpose or other. To Sir James Wemyss the discovery was of peculiar interest, as the baron's family was so nearly akin to him. A somewhat lengthy correspondence ensued between them, in which the particulars respecting both the families in Scotland and in Italy were communicated to each other, and Lord Burntisland had a borebrief prepared for his continental kinsmen, which, after the fashion of the times, was intended to notify to the world the nobility or respectability of the descent of those to whose ancestry it gave publicity. The borebrief, which is erroneous in many of its statements, and is merely of antiquarian interest as an instrument of the seventeenth century, with a portion of the correspondence which took place between the two houses, and lasted for about fifty years, has been printed in another part of this work.[1] In 1681 Francis, Baron de Wemyss, was

[1] Vol. iii. of this work, pp. 257-286.

raised to the dignity of Count, and the honour continued to be inherited by his successors.

On the death of Earl David in the month of July 1679, Lady Margaret Wemyss, in virtue of the entail, succeeded as Countess of Wemyss. An effort was soon afterwards made to induce King Charles the Second to allow Lord Burntisland to enjoy the dignity with her by assuming the titles of Earl of Wemyss, Lord Elcho, Methil, and Burntisland. A signature was prepared to this end;[1] but the application was either unsuccessful, or more probably was rendered unnecessary by the death of Lord Burntisland; for Countess Margaret was left a widow in December 1682, at the early age of twenty-three, and just about the same time she gave birth to her fifth child. She was appointed executrix both of her father and her husband.[2]

The lineal representative of the Caskieberran branch of the Wemyss family was David Wemyss of Cameron. He was the eldest son of James Wemyss, fiar of Caskieberran, and in 1661 was infeft in Cameron on a disposition thereof to him by David, Earl of Wemyss. David Wemyss re-disponed the lands in 1672 to the earl, who probably in this way incurred at least part of the sum of £3333, 6s. 8d. Scots, in which he died indebted to David Wemyss of Cameron. The latter was taken into the family of Lord and Lady Burntisland and lived with them, and on 3d June 1681, being on sick-bed, made his will at "the manour-place of Wester Weymes." He says: "And now, considereing that thess many yeirs bygaine I have bein inter-

[1] Blank signature in the Wemyss Charter-chest.

[2] Vol. ii. of this work, pp. 321-323. A year or two after the death of her husband the Countess of Wemyss was called upon to deliver up all the guns, great and small, in the castle of Burntisland, to be preserved in her behalf in the castle of Edinburgh. They were to be re-delivered to her on demand, and if any of them were made use of for his Majesty's service, the value of them was to be paid to the countess. Warrant to Ensign John Achmoutie, dated 7th June 1685, and subscribed by Queensberry, Com^{r}., Perth, Cancell^{r}., Tarbat, Geo. Mackenzie, Da. Falconar; in Wemyss Charter-chest.

teined in the noble and honorable familie of Wemyss, thairfor witt ye me for the speciall love, favour, honour and respect I have and bear to the right honorable Margaret, Countess of Weymss, to have made" her his sole legatee, "secludeing and debarreing heirfrom all wthers my neirest of kin and wthers representing me."[1] But David Wemyss did not die at this time, as he acted as cautioner for the countess when she was confirmed executrix to her husband and father.[2] In 1684 Countess Margaret was retoured heir to her father in the lands of Cameron.[3]

Lady Margaret Leslie, the countess's mother, made several dispositions of furniture and jewellery to her daughter, and frequently remitted in her favour part of her annual income from the estates. At her death in February 1688 she left Countess Margaret her sole legatee and executrix, and the inventory of her effects was duly given up.[4]

The estates and honours of Wemyss were not enjoyed altogether peaceably by Countess Margaret, as her sister, Lady Jean Wemyss, Countess of Sutherland, the only other surviving child of David, second Earl of Wemyss, made an effort to obtain possession of them, or at least one-half of them. Lady Jean Wemyss petitioned the Lords of Council in the case in 1681, but being obliged to leave the country because of her non-conformity in matters of religion, decree was given at that time in favour of Countess Margaret, that she alone had the right of succession.[5] In 1693, however, Lady Jean Wemyss renewed her claim before the Parliament, when both parties, in their printed cases, debated the matter at great length, and the pleas are of some interest.

The Countess of Sutherland averred that her father in 1649 made

[1] Latter testament of David Wemyss of Cameron, in Wemyss Charter-chest.

[2] Vol. ii. of this work, pp. 321, 323.

[3] Retour dated at Falkland, 13th March 1684, in Wemyss Charter-chest.

[4] Vol. ii. of this work, pp. 254-259. Documents in Wemyss Charter-chest.

[5] Decreet of Lords of Session, 15th December 1681. *Ibid.*

an entail of the Wemyss estates in favour of heirs-male of his own body, whom failing, to her, his eldest heir-female, without division. He gave the entail to his daughter to keep securely; but when her mother, in the same year, lay on her deathbed the earl dealt with her to induce her daughter, who at that time was Countess of Angus, to return the document to him. Unwilling to disoblige her mother at such a time, and as she had two brothers then alive, Lady Jean Wemyss reluctantly complied, on the understanding that the document would not be destroyed, but preserved and made forthcoming on her behalf. This the earl promised, confirming the same by an oath, and adding that if ever he should make any other right or entail in favour of any other person and in prejudice of his eldest daughter he wished that person might be accursed, and that the family might perish. She never doubted the intentions of her father to fulfil his promise; but in 1671, through the lapse of memory and the infirmities of age, combined with grief for the death of Lord Elcho, the last of his ten sons, at the promising age of eighteen (sixteen) years, and under the influence of his third wife, Lady Margaret Leslie, he made a new entail of his estates and honours in favour of that lady's daughter, in which he entirely ignored the existence of his eldest daughter. Lady Jean, as soon as she learned what had been done, went to her father and expostulated with him, when he ingenuously admitted that he was forced to do it to please his wife and to keep peace at home. She reminded him that it was contrary to his faithful promise and oath made to her mother when on her deathbed, with which he was so much affected that after remarking that she had wounded him to the heart in putting him in mind of these things, which he had absolutely forgotten, he left the room, and she never again saw him. She was informed, however, that on his deathbed he repented of so disposing of his property, and by a writ under his own hand, which he committed to the care of a friend, had revoked

the settlement upon his youngest daughter. But this document had never been delivered up to her.

Lady Jean further maintained that by the ancient writs of Wemyss the estates were provided to heirs whatsoever, a tradition her father meant to keep, with this single difference, that they should go to the eldest heir-female without division. The entail of 1649 was in terms thereof, and as that of 1671, being out of harmony with the law of God, the general custom of nations, the ordinary course of succession, and the tradition of the family, was unjust and injurious to her, passing her by though she was neither an idiot, nor married without her father's consent, nor had she done anything to displease him, and as it had been effected by the blandishments of a stepmother, she asked that it should be set aside. And though, she continued, she might justly claim the whole of the earldom she would not be so severe as her sister, but would merely crave that the estate should be divided between them. This, she told her sister, King James the Seventh, when Duke of York, and commissioner in Scotland for his brother, intended to have done when the process before Parliament was stopped on account of the pressure of public business.[1]

Margaret, Countess of Wemyss, replied by a denial of most of her sister's averments. They were, she said, nothing but "a rapsodie and congestione of made up stories, irrelevant in law, and false in matter of fact." The entail made by Earl David in her favour in 1671 was, she asserted, done upon serious and weighty considerations, as he had always declared he would not have his family and estate swallowed up and confounded in the great families into which his eldest daughter had married, but would have it kept distinct. Accordingly, on her marriage to Archibald, Earl of Angus, in 1649, Lady Jean Wemyss had received a tocher of 45,000 merks, which had been accepted in full of all provision she could ask from her father. The making of an entail

[1] Vol. iii. of this work, pp. 145, 146.

by Earl David in 1649 was declared to be a fabrication, in respect that in that year his father was still alive, and it was improbable that the fiar would make an entail; further Lady Jean's mother died in that year also, so that the entail, if any had existed, could not have been for any considerable time in Lady Jean's possession: and in the charter obtained from King Charles the Second in 1651 by their father, Lady Jean had been excluded. Moreover, when in the following year the marriage of Earl David with Lady Margaret Leslie was arranged, in the contract, at the making of which Lady Jean and her husband were present, there was no mention made of any pretension Lady Jean had to the succession of Wemyss.

It was also averred that the rest of the allegations of Lady Jean respecting the making of the entail of 1671 did not cohere with fact; that Earl David was at the time only a little above sixty years of age, and in as good health and strength, memory and judgment, as he had been many years before; that he continued in the same many years afterwards, constantly travelling up and down about his affairs, and often to Edinburgh to the Council and Session and to all public meetings, as many of the members of Parliament knew, nor had he any sickness until six or eight days prior to his death, which occurred from the gravel, unaccompanied with fever or other sickness. The assertion that on his deathbed the earl revoked the entail was unfounded and absurd, as during his last illness he was constantly attended by his daughter, the defender; and on his deathbed he called for her children, and blessed them, regarding them as the heirs and representatives of his family.

As to her own marriage, and the consequent settlement of the estates, Countess Margaret denied that it was brought about by the importunities and insinuations of her mother. On the contrary, she alleged Lady Margaret Leslie would have had her married with a portion only to a noble relative of her own, and a greater family, or to

other offerers from England; that she had opposed the marriage to Sir James Wemyss of Burntisland, urging that he was not of the quality and estate of these great matches, that he did not bring any alliance to the family, and that there was an inequality of years; moreover, in the settlement the earl proposed to make, the estates were redeemable from Lady Margaret Wemyss by heirs-male of the earl's own body by payment of £40,000 as a tocher, so that, in such an event, her daughter might be brought to a low condition, and greatly wronged by preferring the marriage with Sir James Wemyss to the others that offered. Lady Jean Wemyss, at her interview with her father, had herself proposed to obtain for her, Lady Margaret, one of the noblest matches in the kingdom, and to give her as a dowry the lordship of Bothwell, which belonged to her son, the Earl of Forfar, the rest of whose estate would be added to that of Wemyss in the event of his succession, and even on this proposal Lady Margaret Leslie looked with more favour than on that of her husband. But Earl David would not listen either to the suggestions of his wife or daughter, though these were by both pressed with great earnestness, he being resolved to carry out the marriage and settlement he himself proposed, in order to continue the estate and family in the old name and line.

In thus acting as he thought best, Earl David, the countess urged, was quite within his right, and the laws of the kingdom. She demurred to the interpretation of the succession traditional in the family as given by her sister, and declared that Lady Jean knew her father's mind on the matter, and had acknowledged, within a few weeks, at Abbotshall, that she knew her father had intended settling his estates upon her sister Mary, seeing that she, Lady Jean, was already provided for. This, however, was only a hearsay, and was absolutely denied by Lady Jean. As to the proposal to divide the estates, Countess Margaret said she would abide by Solomon's judgment and division, and keep them to herself, as her sister would do, if she could get them.

Lady Jean Wemyss in her reply adhered to her statement of facts respecting the entail of 1649, and in answer to taunts from her sister charging her with the sin of Ham in exposing their father to the charges of breach of trust, perjury, and execration of his family, said that though she had attributed these things to other causes, facts must be told, and things called by their right names, otherwise a true and right judgment could not be arrived at. Through increase of age and grief, their father had, in 1671, lost his memory, and was weak in judgment.

As to the succession, she affirmed the ancient tradition of the family, that the estates were descendible to heirs whatsoever, for it was notoriously known that one of their predecessors having three daughters, the estate was divided among them, and the Earl of Wemyss, their grandfather, purchased back the estate of East Wemyss, which had gone off with the youngest daughter. Though she was married to the Earl of Angus there was no cause for her father disinheriting her that the family of Wemyss might be kept distinct. She was the second wife of the Earl of Angus, and her children had no expectation of succeeding to the Douglas estates, and it was as easy an arrangement that her son, the Earl of Forfar, should assume the arms and surname of Wemyss, and succeed his grandfather, as had been done in other and greater families. There was in her marriage contract no acceptance of her tocher (which was only 29,000 merks according to the stipulations of her parents' contract, the other 16,000 merks being a gift from her aunt, the Viscountess of Stormont), as excluding her from any other of her natural rights, and there was no necessity of safeguarding these in any of their father's later deeds before 1671, as she was tacitly included in the entails and charters, and was in possession of her father's solemn promise. But on that entail being presented in exchequer, her son Forfar did there protest, by taking instruments, which, as Countess Margaret says, so enraged

the earl, that he swore before several persons of quality, that neither she nor any of hers should be included in the entail.

Countess Margaret was also indignant at the charges made by her sister against her mother, Lady Margaret Leslie, who, she says, was known to be a very virtuous lady. Her mother had a very considerable jointure when she married the earl, whose estate at the time was very heavily burdened, and she rendered it material assistance especially out of her pension from the king. Lady Jean Wemyss, however, would not admit this, but declared that Lady Margaret Leslie had by her spending beggared the estate. Her management in the settlement of 1671 was so apparent, says Lady Jean, that *res ipsa loquitur*, the thing speaks for itself, her influence over her husband was well known, so that he did whatever she desired him. Lady Jean also complained that after the earl's death Lord Burntisland (whom she declared to be no true blood relation of the family), tried to make the king believe that she was not the daughter but the sister of the deceased earl, a complaint which Countess Margaret declared unfounded, as her mother and Lady Jean were more than two years together at court, where their relationship was well known, and Charles the Second had remarked to Lady Jean that her stepmother looked younger than she. Lady Jean, however, denied ever being at court with Lady Margaret Leslie.

Lady Jean also claimed the estates of Wemyss as being heir to her brother, Alexander, Lord Elcho, and her sister, Lady Mary, through bonds of provision granted by her father in their favour. These bonds, she affirmed, were intrusted to the keeping of her grandfather, Lord Burley, and were afterwards found in the Wemyss Charter-chest by Countess Margaret. The countess denied having seen any such bonds, and, moreover alleged that, if any such existed, they became extinguished by the death of the persons in whose favour they were granted before they reached maturity.

Lady Jean likewise pleaded the necessities of her case in addition to its justice. Her husband, the Earl of Sutherland, had had his estate almost ruined by the late war, and her son by the Earl of Angus, the Earl of Forfar, had not so much to live upon as to support his quality. The Parliament, however, after hearing counsel for both parties—Sir Patrick Home for the Countess of Sutherland, and Sir Robert Colt for the Countess of Wemyss—remitted the case to be tried and decided by ordinary course of law.[1] But no further proceedings were taken in the prosecution of this claim, and the sisters were apparently on good terms in 1704.[2] Their direct descendants afterwards intermarried.

Margaret, Countess of Wemyss, had two sons and three daughters. After the death of Lord Burntisland, she, in 1684, granted a bond of provision in favour of her three daughters, securing to the eldest 30,000 merks and to the other two 25,000 merks each, as their portions, and also securing their maintenance and education at a cost not exceeding the annual interest of their respective portions, until they attained the age of fifteen years.[3] In 1691 she made a disposition in favour of her elder son, David, Lord Elcho—the younger having died—of a large number of bonds entered into by her father, but paid by her, the discharges being taken in the form of assignations to blank persons, with the object of enabling the countess to dispose of them as occasion might require. The sums amounted in the aggregate to nearly £60,000 Scots.[4] About the same time she took an obligation from her two eldest daughters, for the youngest was now dead, that in the event of their brother's death, and the birth of other sons through her own remarriage, they would renounce their claims, under their grandfather's entail, in favour of such sons.[5] Lady Anna Wemyss, the eldest

[1] Decreet of Parliament dated May 12, 1693, in Wemyss Charter-chest; Acts of the Parliaments of Scotland, vol. ix. App., pp. 72, 79.

[2] Vol. iii. of this work, p. 166.

[3] Bond dated at Wemyss, 17th July 1684, in Melville Charter-chest.

[4] Disposition dated at Wemyss, 7th November 1691, in Wemyss Charter-chest.

[5] Copy obligation dated at Wemyss, 3d September 1691, in Melville Charter-chest.

daughter of the countess, was at this time engaged to be married to David, Earl of Leven, and her "affianced spouse" consented to this arrangement. He also, at the same time, granted another obligation, by which he promised, if he uplifted the whole of his wife's tocher, which had been augmented to the sum of 45,000 merks, to repay 9000 merks to the countess, if Lady Anna should die without leaving heirs of the marriage, the agreement being that in such case the tocher should only be 36,000 merks.[1]

Although Lady Anna Wemyss was not yet quite sixteen years old, she had received other offers of marriage. Charles, fourth Earl of Southesk, fell deeply in love with her, so much so that he offered to take her without any portion. The countess, her mother, was unwilling to marry her at so early an age, and refused Lord Southesk's appeals to her, urging him to make some other choice. He offered to wait as long as was thought proper if the promise was given. The young lady herself was not indisposed to the match, thinking somewhat philosophically that she could not expect more kindness from another than Lord Southesk showed, and desired her mother to consult their friends. The countess wrote to George, first Earl of Melville, who stood somewhat in the relation of a brother-in-law to her, having married Katherine Leslie, the eldest daughter of her mother, Lady Margaret Leslie, but his counsel was not favourable to the marriage. His own second son, however, succeeded in supplanting Lord Southesk in a short time in the affections of Lady Anna, and the marriage of that young lady and David, Earl of Leven, took place in 1691.[2]

Their marriage contract, the terms of which were arranged at Wemyss on the same day as the above obligations, obliged Lord Leven, *inter alia*, to make resignation of his title and earldom of Leven for a regrant to himself and the heirs-male of this marriage. If Lady

[1] Copy obligation dated same time and place, in Melville Charter-chest.

[2] Vol. iii. of this work, pp. 142-144.

Anna should succeed to the earldom of Wemyss, and had two sons, the elder was to succeed to the estates and honours of Wemyss, and the younger to the estates and honours of Leven. If there was only one son, and he succeeded to Wemyss, he was bound to denude himself of the earldom of Leven in favour of any son born to David, Earl of Leven, by a subsequent marriage.[1]

Within the next few years the Countess of Wemyss paid a visit to Bath, and also to London, where with her son and daughter she enjoyed for some time the society of her half-sister, Anna, Duchess of Buccleuch and Monmouth, now the wife of Charles, Lord Cornwallis. On the seizure and execution by King James the Seventh, of the first husband of the duchess, James, Duke of Monmouth, the Countess of Wemyss showed deep concern for her sister, and indeed their intercourse, which was one of uniform affection, seems never once to have been interrupted.[2]

Before setting out for London, however, where she was during the years 1695 and 1696, the countess made her will, appointing her son David, Lord Elcho, her sole executor and legatee under burden of paying his sister's marriage portion.[3]

Meanwhile the younger daughter of the countess, Lady Margaret Wemyss, was being courted by David, fourth Earl of Northesk. In April 1696, when the countess and her family were about to return home from England, the Earl of Northesk wished to come and be their convoy. But Lady Wemyss wrote to her son-in-law, Lord Leven, to dissuade the earl from such a step, "for I can assure him it will do noe other good but try my daughter's patience a little, and force me to disapointe all his great dessigns and desire of waiting upon us home, for that I am shure he cannot expect we will alow of."[4] However,

[1] Duplicate contract of marriage in Wemyss Charter-chest.

[2] Vol. iii. of this work, pp. 141, 147-153.

[3] Vol. ii. of this work, pp. 259, 260.

[4] Original letter in Melville Charter-chest.

this ripened into formal proposals for marriage, and at the request of the Countess of Wemyss the negotiations were conducted on her behalf by George, first Earl of Melville, and these were succeeded by the marriage of the Earl of Northesk and Lady Margaret Wemyss in 1697. The Countess of Wemyss gave her daughter a tocher of 40,000 merks, and shortly afterwards granted a bond in her favour, adding other 20,000 merks to this sum in the event of her elder sister succeeding to the Wemyss estates.[1]

In the same year the Countess of Wemyss arranged the marriage of her son David, Lord Elcho, to Lady Anna Douglas, daughter of William, Duke of Queensberry. In the contract for their marriage the countess reserved power to burden the estate of Wemyss to the extent of 20,000 merks, and in virtue of this right she, in 1699, disponed the sum of 12,000 merks to her grandson, Alexander Leslie, second son of her daughter, Anna, Countess of Leven, failing whom by death, to the Countess of Leven, for any other of her children she thought fit.[2]

Having now to the best of her ability discharged her duty to her children, Margaret, Countess of Wemyss, had more leisure to consider overtures which had been made to herself for re-entering upon the married state. One of her admirers, perhaps the most ardent, says, that for the good of her family she would not marry for about seventeen years, although incited thereto by all possible motives. This was Sir George Mackenzie, Viscount of Tarbat, who having, in September or October 1699, lost his first wife by death, within a few months succeeded in winning the affection of the Countess of Wemyss, and married her in the following April, 1700. They were

[1] Contract of marriage, dated at Edinburgh, 20th January 1697, in Wemyss Charter-chest; cf. vol. iii. of this work, pp. 154-158, and History of the Carnegies, Earls of Southesk, by William Fraser, vol. ii. p. 375.

[2] Disposition, dated at Edinburgh, 17th April 1699, in Melville Charter-chest.

old friends, and had corresponded previously,[1] and the correspondence was now renewed. One of Lord Tarbat's love-letters has been preserved, and is printed.[2] As she had done in her children's matrimonial arrangements, so in her own, Countess Margaret asked and received the advice and assistance of George, first Earl of Melville. The match, which was a somewhat romantic one, the bridegroom being a widower of seventy years, and the bride a widow of forty, and both being grand-parents, was the subject of considerable merriment to their friends and acquaintances. But as it was their own affair they kept it very much to themselves, and the countess's own sister, the Duchess of Buccleuch, was left to infer coming events from her correspondence with Lord Tarbat. "At last," she remarks in a letter to Lord Melville, "I had a letter from my sister Wemyss, dated the 28 of Aprill. The last line of it was, she belived she should be marryed to-morrow or next day. A hansom warning for a sister of a thing of that consequence! It shews such kindness to me; but I shall hear the business is over befor I wish joy. I did answer all letters he" (Lord Tarbat) "wrott of it to me, but I sopos he did not lick my letters, so say'd they miscarey'd."[3] In a short note of thanks to Lord Melville, for his friendship and services in the "affair," dated on 30th April, Lord Tarbat intimates that he was married on the previous day.[4] Lord Leven appears to have been the only member of the family who showed any aversion to the marriage.[5]

[1] Vol. iii. of this work, p. 144. Once, too, Lord Tarbat was appealed to by Alexander, Lord Raith, not to condemn his aunt, Lady Wemyss, for preferring to attend the ministrations of Presbyterian ministers, as she was suffering from others on account of so doing. The attachment of Lady Wemyss to the Presbyterian cause is further illustrated by a postscript to one of her letters to Lady Catherine Murray just after the battle of Killiecrankie. She says, "I scarce believe Dundie is dead: Lord graunt I may hear your good news confirm'd." [Original letter in Charter-chest of the Duke of Athole.] [The Earls of Cromartie, by William Fraser, vol. i. p. 53.]

[2] Vol. iii. of this work, p. 159.

[3] The Earls of Cromartie, by William Fraser, vol. i. p. cxliv.

[4] Vol. iii. of this work, p. 161.

[5] *Ibid.* pp. 159-161.

The marriage thus took place on 29th April 1700, and apparently at Royston House, now Caroline Park, on the south side of the Firth of Forth, as the event is recorded in the register of the parish of Cramond, Midlothian. The contract was partly post-nuptial, and was arranged at Elcho, where the countess sometimes resided, and at Edinburgh, on 26th April and 24th June. In terms thereof the countess was provided to the barony of Royston in liferent, and it was entailed on the heirs of the marriage in fee.[1] Lord Tarbat when at Elcho granted an obligation renouncing his *jus mariti* to the power reserved by the countess of burdening the estate of Wemyss to the extent of 20,000 merks.[2] By the creation of Lord Tarbat as Earl of Cromartie in 1703, Lady Margaret Wemyss became Countess of Cromartie as well as Countess of Wemyss.

She had already practically made over the Wemyss estates to her son David, Lord Elcho, and a few weeks before her marriage made over to him all her household stuff within the house of Wemyss, by a written disposition, which was merely meant to give form to the presentation, which was orally made at a former date. An exception was made of the coach and furniture, etc., taken to Wemyss after "Lady Anna Elcho's decease."[3] She also revoked her gift of 12,000 merks to Alexander Leslie, the second son of her eldest daughter, and gave that sum to James Wemyss, the second son of Lord Elcho, and his heirs, whom failing, to his eldest son David, Master of Elcho.[4] In 1703 she assigned 7000 merks of what remained on behalf of her grand-daughter, Lady Margaret Carnegie, the eldest daughter of David, Earl of Northesk, and Lady Margaret Wemyss,[5] who married,

[1] The Earls of Cromartie, by William Fraser, vol. i. p. cxliv., vol. ii. p. 455.

[2] Obligation by Viscount Tarbat, in Wemyss Charter-chest.

[3] Disposition, dated at Errol 10th April 1700, in Wemyss Charter-chest.

[4] Disposition, dated at Edinburgh 14th January 1701, in Wemyss Charter-chest.

[5] Bond, dated at Edinburgh 17th September 1703, in Wemyss Charter-chest.

in 1716, her cousin, George, Lord Balgonie, who in her name received payment of the sum from David, Earl of Wemyss.[1]

This disposition was made at Edinburgh, where Lord Tarbat had a house, which he purchased, in 1686, from Thomas Robertson, one of the magistrates of Edinburgh, being on the third storey of the great buildings then recently erected from the Parliament Close at the north to the outmost of the south side, comprehending three rooms which look to the Parliament Close, thirteen other rooms and two cellars under the close. But he acquired another house in the Lawnmarket—that upper lodging in the back land on the south side of the "Land Mercat," in Macmorran's Close, as then presently possessed by the viscount and the countess, with cellars and vaults belonging thereto, and also a fore tenement of land in the south side of the High Street, in which he infeft the countess in March 1702.[2] The Duchess of Buccleuch afterwards made arrangements to acquire this house of her sister's as an Edinburgh residence.[3]

The married life of the countess and George, Earl of Cromartie, lasted not quite five years, but their union was one of sincere affection. During this period the earl was appointed Secretary of State for Scotland, and his duties required him to live in London. Thither the countess followed him after paying a visit to her daughter at Melville, writing from which place in reference to her journey, she says, "The Lord send us a happy meeting. My dearest love, be carfull of the best parte of me, and do not fast long nor sitt up late. There is great care taken of me here, but I fear their will be some tears att parting, tho none from me, my dear."[4] From her son's letters it may be inferred that the countess was not of a robust constitution, and at this time was complaining of several ailments, including rheumatism. Referring

[1] Discharge, dated at Balgonie 15th December 1716, in Wemyss Charter-chest.

[2] The Earls of Cromartie, by William Fraser, vol. ii. p. 458.

[3] The Scotts of Buccleuch, vol. i. p. 474.

[4] Vol. iii. of this work, pp. 165, 166.

to this the Duchess of Buccleuch says, in a letter to Lord Cromartie, "I know when one of you are sick, neither are well."[1] The countess was frequently at Windsor Castle during this period, but had her residence in the palace of Whitehall, where she died on 11th March 1705. Her death was a severe blow to the aged Earl of Cromartie, who, "the unhappiest man, and lately the happiest liveng," in his correspondence bewails the untoward event. Under the care of George Preston, surgeon-major to the royal forces, the remains of the countess were conveyed by sea to Leith Roads, to be for a time deposited in her own house at Royston,[2] whence they were transported to Wemyss, and buried beside the ashes of her ancestors. The Earl of Cromartie expressed a strong desire that on his death, his body should be buried near that of his late countess. This her son David, now Earl of Wemyss, agreed to do, obliging himself under a penalty of £500 sterling, not to allow any grave to be made near that of the countess, which would prevent the Earl of Cromartie's coffin from being in close proximity to hers,[3] although, in the end, he was not buried at Wemyss. On the same day Lord Cromartie made a gift of all the moveable property of his deceased wife in her house of Elcho to her grandson, David, Lord Elcho, ratifying at the same time the gift made to him by the countess in 1700.[4]

It further evinces the affection which Lord Cromartie bore to his late wife that he resolved to do her memory all the honour possible. He made arrangements with artists to execute life-size effigies of the countess; one Robert Kidwells, at Westminster, agreeing to erect a monument of good white vein marble, for which the earl was to furnish the picture of her face, her armorial bearings, and an appropriate inscription; another, Josias Iback, undertaking to make and finish the

[1] The Earls of Cromartie, by William Fraser, vol. ii. p. 270.

[2] *Ibid.* vol. i. p. cxlix.; vol. iii. of this work, p. 170.

[3] Dated 13th May 1705, The Earls of Cromartie, vol. i. p. cli.

[4] Disposition in Wemyss Charter-chest.

statue of a woman, lying along, five and a half feet in length, to be cast in lead, with an angel at the foot standing two and a half feet high, with a lion next to the foot, all of lead. The same artist also undertook to cast the figure of an angel in hard metal. But if the statuary and monumental work was ever executed, it was not erected at Wemyss. It was found that the burial-place at the Wemyss could not admit of a tomb being erected for Countess Margaret, and for the same reason there were none for any of her ancestors. In place of the monument, therefore, the Earl of Cromartie, as a small token of his great affection and honour to her pious memory and unparalleled virtues, mortified to the church of East Wemyss the annual sum of a hundred merks Scots, to found a salary for a catechist to instruct the colliers and salters of Wemyss in the method of catechising in their families. The payment was to be made on the 1st January, the anniversary of the countess's birth.

The inscription prepared by Lord Cromartie for the tomb of the countess is in Latin, in which he was well skilled. It is as follows:—

O spectantium quicquid est, attendite tam verendo æri. Margarita Comitissa hæreditaria de Weems antiquissimis M'Duffis Fifensibus oriunda: quæ vere Margarita Christiana, omnibusque tum animi tum corporis dotibus præ aliis ornata: Pia, proba, prudens, provida; parentum tum spes tum solamen; utrique marito decus et solatium; liberis et natura et cura mater; rei familiaris autrix notabilis; sacrorum antistitum, alumna et nutrix; pauperum, asylum et tutamen: Ut cognatis suis ita et omnibus enatis deliciæ, quibus vita prius grata.

Mors vero, ultra citraque gentem perdite, deplorata. Sed perditissime fleri consorte a deplorabili, Georgio Comite de Cromartie vicecomite de Tarbat: salvo tamen ejus certissimæ beatitudinis gaudio, et futuri et interminabilis felicisque congressus spe.

Quo non, dum fueras, fuerat felicior alter:
Fecisti juvenem; sed moriente, senem.
Hoc קבר mœrens posuit tibi pignus amoris,
Nec debitos luctus comprimet ille suos.

Lectissima et delectissima fœmiuarum, nata ad Castrum de Weems, calend. Jan.

ann. 1659. Denata quinto Id. Mart. 1705 ad regiam Whitehall. Wemisianæ familiæ per filium David ex priori marito, Jacobo, domino Barone de Bruntisland; Leviniæ vero et Noresscie per filias Annam et Margaritam, fortunata mater.

TRANSLATION.

O all ye beholders, regard this statue so much to be revered.

Margaret, hereditary Countess of Wemyss, sprung from the ancient Macduffs of Fife. Truly she was a Christian Pearl (Margarita), adorned in an extraordinary degree with every gift of body and mind: Pious, upright, prudent, provident; the hope and comfort of her parents; an ornament and solace to each of her husbands; a mother to her children both by nature and solicitude; a remarkable manager of her domestic affairs; a benefactress and liberal supporter of the holy clergy; a refuge and protection to the poor; the delight of her relatives and of her offspring, to all of whom her life was dear.

Her death, moreover, was deeply deplored both within and beyond the nation; but most deeply to be lamented by her spouse, to be pitied, George, Earl of Cromartie, Viscount of Tarbat: the joy arising from the assurance of her blessedness being nevertheless left to him, and the hope of a future and never-ending happy meeting.

Whilst you lived, there was not another more blessed than he.
Living you made him young, but by your death have made him old.
He mourning has raised this tomb to you as a pledge of love,
Nor will he restrain the grief due to you.

This choicest and most delightful of women was born at the castle of Wemyss 1st January 1659; died 11th March 1705, at the palace of Whitehall. The happy mother of the Wemyss family, by her son David, of her first husband, James, Lord Baron of Burntisland; of the Leven and Northesk families, by her daughters Anna and Margaret.

It had also been intended to place a bronze statue of the Countess of Wemyss and Cromartie in the Hall of Wemyss, as Wemyss Castle was then called, and the following Latin lines, found among the earl's papers at Tarbat House, and subscribed by the initials K. C., are supposed to have been intended as an inscription for the statue :—

Margarita nitet Dufforum gemma coronæ,
Stella nec ætherio pulchrior orbe micat.
Macbethi domitore satos ornatque tyranni,
Dum Lapidem Duffi Regia Fifa colit.

Principe sublato Duncano morte cruentâ,
Restituit sobolem Duffus, et ultor erat.
Illius hinc soboles Lapidis sibi gaudet asylo,
Quem reus attingens crimine liber abit.
Virtutis pretium dedit hoc Rex pignus in ævum,
Debuerat Duffo quod diadema suum.
Magna quidem res est regno cum laude potiri
Major at est populi Marte creare ducem.
Margarita sui proavi nil indiget arâ;
Immunis sceleris non nisi Diva fuit.
Quisquis es impurus statuam ne pollue dextrâ,
Non dabit æs veniam, si dedit antè Lapis.
Ectypus hic sacer est, procul hinc absiste profane,
Aut præsta similem te pietate bonæ.
Pulchra Venus, Pallas sapiens, et casta Diana
Trina sub hoc uno cernitur ære Dea.
Pars ejus melior vivitque perennior illo,
Mens ea cælestis jam super astra regit.
Corporis effigiem posuit Cromertius heros,
Nupta fuit mæsto nam Dea trina Viro. K. C.

Quid tua fata fleat? Tu cœlo jure recepta.
Vivere se sine te non sine jure dolet.
Spes tamen una manet, mox tecum vivet, et optat
Mens ut conjugio spiritus unus erat.
Emeriti natura parens miseretur honesta,
Vir sex lustra tuus præteriitque decem. K. C.[1]

Of the marriage of Margaret, Countess of Wemyss, with George, Earl of Cromartie, there was no issue. But by her first husband, the Countess, as already stated, had two sons and three daughters—

1. David, third Earl of Wemyss, of whom a memoir follows.
2. John, who was baptized on 14th October 1680, but who appears to have died in infancy.

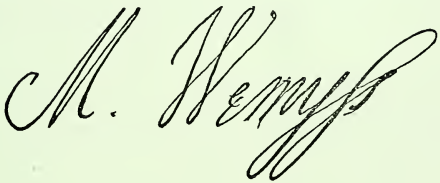
The daughters were—

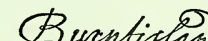
1. Lady Anna, born 18th October 1675. She married, contract

[1] The Earls of Cromartie, by William Fraser, vol. i. pp. cxlix.-cliii., clxxvii.-clxxix.

dated 3d September 1691, David, Earl of Leven, afterwards Earl of Leven and Melville, second son of George, first Earl of Melville, and had issue.

2. Lady Margaret, born on 1st April 1677. She married, contract dated 29th January 1697, David, Earl of Northesk. She died on 29th March 1763, leaving issue.
3. Catherine, who was baptized on 15th December 1682. She was alive in 1684, but died before 1691.





XVIII.—David, third Earl of Wemyss.

Lady Anna Douglas (Queensberry), his first wife.

Mary Robinson, his second wife.

Hon. Elizabeth Sinclair, his third wife.

1705—1720.

This Earl of Wemyss enjoyed the earldom for only a comparatively short period,—from the death of his mother in 1705 till his own death in 1720. During his tenure of the earldom he followed the example set by his grandfather the second earl, both in his public capacity and in the management of his estates and more private affairs. He was desirous of obtaining office in the State; and when he was elected a representative peer for Scotland he performed his duties by regular attendance in the House of Lords. He was appointed a commissioner for the Treaty of Union between Scotland and England; and he also received the appointment to the important office of Lord High Admiral of Scotland. Like his grandfather, also, he entered into the married state on three successive occasions. While yet Lord Elcho, his handsome personal appearance and engaging manner captivated the heart of Lady Anna Douglas, daughter of William, first Duke of Queensberry. This ultimately proved to be a great alliance for the Wemyss family. His father-in-law, the Duke of Queensberry, was one of the wealthiest noblemen and extensive landed proprietors in Scotland. This marriage was of very brief duration, owing to the

accidental death of Lady Elcho by fire when engaged in her devotions; but the lineal descendant from the marriage in the male line inherited the large landed property in Peeblesshire which was entailed by the first Duke of Queensberry upon his son, William Douglas, the first Earl of March, and other heirs. The surviving son of the marriage of David, third earl, and Lady Anna Douglas, who became James, fourth Earl of Wemyss, married Miss Charteris, a wealthy heiress. The wealth which she brought to the Wemyss family induced the fourth earl to provide the Wemyss estate to his third son, as the fortune which devolved on the second son was considered amply sufficient to support the dignity apart from the ancient barony of Wemyss.

David, the only surviving son of the Countess Margaret and Sir James Wemyss, Lord Burntisland, her husband, and the youngest of their surviving children, was born a year before the death of David, second Earl of Wemyss, whose desire that the honours and estates of Wemyss should be continued in the family was destined to be fulfilled, and the promise of which he had the gratification of seeing in his grandson, who was very fittingly named after him. The infant son and heir was baptized on 29th April 1678. He was brought up with his mother at Wemyss Castle, and she mentions in a letter his being taken ill with the small-pox in 1691.[1] He also accompanied his mother and younger sister to Bath and to London, where, at his own request, in 1695, he attended the academy to learn to ride, to fence, and to dance.[2] From London he corresponded with his elder sister, Lady Anne, and her husband, David, Earl of Leven. In one of his letters to her, referring to her children, he says, "I hope, since I have not the blessing of a brother to kepe my head from being broke, I shall have as many nephews to keep it as half a dozen of men shall not be able to breake it."[3] To his brother-in-law,

[1] Vol. iii. of this work, pp. 143, 144. [2] *Ibid.* pp. 147, 149. [3] *Ibid.* p. 150.

who was at this time Commander-in-chief of the forces in Scotland and also constable and governor of the castle of Edinburgh, he wrote chiefly on court and political matters, and his letters, coming as they do from a youth of only eighteen years, are remarkable for their shrewd insight and sound good sense.[1]

During his mother's lifetime, while she enjoyed the peerage, David Wemyss bore the courtesy title of Lord Elcho. While in London he appears to have won the affections of Lady Anna Douglas, only daughter of William, first Duke of Queensberry. It is probably to this that Countess Margaret refers when, in writing to her daughter, Anne, Countess of Leven, she says, "Your sister and brother are verie busie learning, I leave it to themselves to tell you what,"[2] as at the same time David, Earl of Northesk, was courting Lady Margaret Wemyss. The marriage of Lord Elcho and Lady Anna Douglas was formally arranged between the Countess of Wemyss and Lady Anna's brother, James, second Duke of Queensberry, her father being dead, at Queensberry House, the residence of the duke in the Canongate of Edinburgh. An unusually large assemblage of noblemen and gentlemen were present on the auspicious occasion. Among those who appended their names to the marriage contract as witnesses were George, Earl of Melville, president of the Privy Council, James, Marquis of Montrose, the Earls of Argyll, Mar, Morton, Nithsdale, Loudoun, Traquair, Carnwath, Leven, Northesk, Kintore, and March, George, Viscount of Tarbat, Lords Lindsay and Ballenden, Sir James Ogilvie, one of the Secretaries of State for Scotland, and afterwards Earl of Seafield, Sir James Scougal of Whitehill, Sir Alexander Jardine of Applegirth, Sir James Primrose of Carrington, Sir David Shires of Inverkeithing, and David Boyle of Kelburn, afterwards Earl of Glasgow.

In furtherance of this marriage Countess Margaret resigned

[1] Vol. iii. of this work, pp. 170-176.

[2] Letter, 21st October 1695, in Melville Charter-chest.

the Wemyss estates in favour of her son, reserving Elcho as her residence, and certain lands as security for an annuity of £500. Provision was made for infefting Lady Anna in the Wemyss estates, and also for the children of the marriage, the destination of the estates being made to the heirs-male of this marriage, failing whom, the heirs-male of any other marriage of Lord Elcho, and failing these, to the eldest heir-female of this marriage, without division, and her heirs-male, and so on. Lady Anna brought with her a dowry of 100,000 merks.[1] It was through this marriage that Francis, sixth Earl of Wemyss, succeeded, on the death, in 1810, of William, Duke of Queensberry, commonly called "Old Q.," who was also Earl of March, to the lordship of Neidpath and other large estates in the county of Peebles. The Earl of Wemyss at the same time inherited the titles of Earl of March, Viscount of Peebles, and Lord Douglas of Neidpath, Lyne, and Munard, which William, first Duke of Queensberry, strictly entailed to his second son, Lord William Douglas, afterwards Earl of March, failing whose heirs, to James, Earl of Drumlanrig, and failing his heirs-male, to revert to the male issue of the duke himself, and failing these, to the male issue of his daughter, Lady Anna Douglas.

As soon as he was settled in his estates, Lord Elcho actively devoted himself to the development of their resources. He erected a manufactory for glass, probably at the "Glesse Cove," between Easter and Wester Wemyss, and obtained an Act of Parliament protecting him and his partners from any new competition in the making of certain kinds of glass for the space of nine years, under certain conditions, while the lieges also were prohibited from importing such glass from abroad. There were only other two manufactories then in Scotland, one at Leith, and another, originated at the same time as Lord Elcho's, at Morison's or Aitchison's Haven, by William Morrison of Preston-

[1] Extract marriage contract, dated 13th August 1697, in Wemyss Charter-chest.

grange. But after being at considerable expense erecting furnaces and other buildings for the works, Lord Elcho was constrained to abandon the enterprise.[1]

As a coal owner he came prominently forward in 1698, seeking, as representative of the other coal owners in the kingdom, reforms in the import duties on exported coal. He presented a petition to Parliament for the abolition or remission of a tax of sixteen shillings (Scots), which was levied on every ton of coals exported.[2] A year or two later he made arrangements with Andrew Melville, M.D., who offered to improve the coal workings at Kirkland of Methil, by which he handed over the control of the mining operations and the superintendence of the transit of the coals to the coast to Dr. Melville for a period of nineteen years, with two years added for the making of new roads.[3] A number of alterations and improvements were at once commenced, but in 1705 Lord Elcho, by a new mutual arrangement, resumed the management of his mines, Dr. Melville accepting an annuity of £50 sterling during life, with right to assign a sum of £250 sterling to any person he pleased, to be paid by the Earl of Wemyss to that person after Doctor Melville's death; and if in the prosecution of the coal works at Methil, the coal called the main coal should be reached during the lifetime of Dr. Melville, he was to receive the sum of £250 sterling. Lord Elcho undertook to defray all unpaid expenses and wages to the extent of £400 Scots, and acquired all the works and improvements effected by Dr. Melville, with seven horses and eight oxen for drawing the carts. Lord Elcho also gave to Dr. Melville and his family the use of the new house built at Kirkland, and then possessed by them, for his lifetime, rent free.[4] But the annuity of £50 and the use of the residence were afterwards commuted for a payment

[1] Acts of the Parliaments of Scotland, vol. x. pp. 144, 147, 179; App. 27, 30, 32, 50.

[2] *Ibid.* pp. 134; App. 24.

[3] Contract, dated 31st December 1701, in Wemyss Charter-chest.

[4] Contract, dated 27th June 1705, *ibid.*

by Lord Elcho of 6000 merks.[1] From a representation made by the earl's son and successor James, fourth Earl of Wemyss, it appears that the expenses incurred by the earl during his lifetime in improving and extending the coal workings, were between fifteen and twenty thousand pounds sterling.

The position of the colliers in the Wemyss mines (and these were no exception to the others in the country) is illustrated by a document in the Wemyss Charter-chest—an acknowledgment by Mr. Christopher Seton, brother of the Earl of Winton, of having received in loan from David, Lord Elcho, the persons of six colliers, and eleven bearers, all belonging to Lord Elcho, who were to be employed in the Earl of Winton's coal works at Tranent so long as Lord Elcho had no use for them. The borrower of the colliers and bearers obliged himself to redeliver them upon demand, they being in life and at the work, or within the kingdom; and further, that though the colliers and bearers should remain at the works for a year and a day, he would redeliver them without legal requisition or pretending any right to them by prescription. The acknowledgment is dated at Wemyss 31st May 1704, and is attested by the respective bailies of Wemyss and of Tranent.

David, Lord Elcho, was appointed in 1698 one of the Commissioners of Supply for the county of Perth, and also for Fife; and he was reappointed in 1704.[2] The College of Physicians in Edinburgh did him the honour on 13th December 1705, of electing him a Fellow of their college.[3] Lord Elcho also became a member of the Royal Company of Archers, the Queen's Body-guard in Scotland, being admitted and elected as ensign on 4th September 1703, and was the first who held that office in the company. His step-father, George,

[1] Discharge by Dr. Melville, dated 16th November 1709, in Wemyss Charter-chest. Dr. Melville died in 1725, and having assigned the £250 to Anne, eldest daughter to Thomas Pringle, W.S., Edinburgh, it was paid to her in the following year by James, Earl of Wemyss. [Discharge, dated 17th December 1726, *ibid.*]

[2] Acts of the Parliaments of Scotland, vol. x. pp. 131, 132; xi. p. 144.

[3] Diploma in Wemyss Charter-chest.

Earl of Cromartie, was at the time captain-general. Through the good offices of the latter the archers obtained, in 1704, their royal charter of incorporation from Queen Anne. On 8th June 1713, Lord Elcho, now Earl of Wemyss, was promoted to be lieutenant-general, and an entry in the minute-book of the company records that in October of that year "the council resolved to wait upon the Earl of Weems to Leith, to take the diversion of shooting at rovers. After some hours in the Links, the council attended the earl to Leith, where his lordship entertained them at dinner." A portrait, it is believed, of the earl in his splendid uniform as lieutenant of the Royal Archers, was in the possession of Mr. Henry Gordon Watson, and has been reproduced as an illustration in the authorised History of the Royal Company of Archers. In the following year, 1714, the company was provided with colours, the Earl of Cromartie and Lord Wemyss each subscribing two guineas for this purpose. At a match held in June of this year on Leith Links for the silver arrow presented by the town of Edinburgh, the Earl of Wemyss came off the victor. In 1715 he was elected captain-general in succession to his stepfather, who died in the previous year, and under his conduct the company lost none of its brilliancy and prestige. He retained the command till his death in 1720, and left his son, James, fourth Earl of Wemyss, to maintain the family name in the company. A new prize, in the shape of a silver punch-bowl, was instituted that year, and the first winner of it was the young Earl of Wemyss, who bore it off from a field of twenty bowmen. Since the time of the third earl the Wemyss family has been continuously and prominently represented in the company.[1]

On the death of his mother in 1705, he succeeded to her peerage as third Earl of Wemyss, and sat in the Parliament which met at Edinburgh on 28th June of that year, taking and signing the usual oaths.[2]

[1] History of the Company of Royal Archers, by J. B. Paul, 1875, pp. 39-61.

[2] Acts of the Parliaments of Scotland, vol. xi. pp. 206, 212; App. 69.

In the following year he was appointed one of the commissioners for the Treaty of Union between England and Scotland, and supported that movement throughout the debates in Parliament. When the consummation of the Union terminated the Scottish Parliament, he was elected one of the sixteen peers chosen to represent the nobility of Scotland in the Parliament at Westminster.[1] It is, perhaps, worthy of note that though the earl so strongly supported the Union, his name is not found in the list given by Lockhart of those who are popularly alleged to have received pecuniary consideration for their votes.

David, Earl of Wemyss, had shortly before this been appointed Lord High Admiral of Scotland and the Isles, by commission from Queen Anne, dated 7th March 1706, exception being made of the isles of Orkney and Shetland, to which Mr. Robert Douglas, brother of the Earl of Morton, and Sir Archibald Stewart of Burrow, had right, and without prejudice to any of the rights of the Duke of Argyll. A salary of £600 sterling was attached to the office.[2] By the Union between the two kingdoms this office was abolished, it having been agreed that one Lord High Admiral of Great Britain should exercise the united jurisdiction; but a separate court of Admiralty was continued in Scotland.[3] George, Prince of Denmark, was the first holder of the new office, and constituted David, Earl of Wemyss, Vice-Admiral of Scotland, under the same exceptions as were contained in his former commission.[4] The death of Prince George in December 1708 terminated the appointment, but it was renewed by his successor, Thomas, Earl of Pembroke and Montgomerie, and the salary was increased to £1000 sterling yearly.[5]

[1] Acts of the Parliaments of Scotland, vol. xi. pp. 300, 314, 321-422, 431.

[2] Original commission; also Crown precept for salary, dated 17th March 1706, in Wemyss Charter-chest.

[3] Acts of the Parliaments of Scotland, vol. xi. p. 411.

[4] Original commission, dated 11th November 1707, and confirmation by Queen Anne, 11th November 1708, in Wemyss Charter-chest.

[5] Commission, dated 11th December 1708, and precept, 10th August 1709, *ibid.*

On being appointed a representative peer, Earl David found it necessary for the discharge of his parliamentary duties to remove to London. He took a house at Raileshead, in the parish of Thistleworth, on a lease from Edmund Williamson for a term of years.[1] In the following year he bought a house in Soho Square—a great bargain—concerning which he wrote to his step-father, Lord Cromartie, that it was "one of the greatest pennyworths ever I see."

George, Earl of Cromartie, step-father of the Earl of Wemyss, was much esteemed by him, and the affection between them seems to have been reciprocal. The aged earl, who had spent a good many years in official life in London, and knew its spell, was jealous lest his step-son, Earl David, should, through the influences and associations of London and court life, forget that he was a Scotchman, and might, through neglect of personal oversight, injure or ruin his own ancestral estate. Earl David, in reply, describes his mode of life in London, as living quietly with his family in Soho Square, and at fully less expense than if he had been in Scotland, as he rarely had any company, save gentlemen connected with the sea. Neither he nor his wife had much relish for the "rattle and pleasures of London," and were therefore very seldom to be seen at plays, or operas, or parks; and visited no more than just to "keep up mannerly with the world." He had his parliamentary duties to attend to, through diligence in which he was not devoid of hopes of attaining to official promotion, and these he was all the more led to indulge as her Majesty appeared to be friendly to him. To retire from Parliament and return to Scotland at this time, would be to ruin utterly all such prospects. And as for his estate, it was really profiting more by his absence than it would by his presence. "Noe Earle of Weems," he says, "ever was that spent so little out of his own estate by a half and more than I 've done these four years past, which I reckon very good service done the family."[2]

[1] Lease, dated 25th March 1708, in Wemyss Charter-chest.

[2] Vol. iii. of this work, p. 177.

David, Earl of Wemyss, had by this time married his second wife. His first marriage only lasted a little over two years, when Lady Elcho met with a sudden and tragic death. She was engaged at her private devotions on the 13th of February 1700, when her clothes took fire, and she sustained such injuries that she died ten days later. Lord Elcho committed the care of her two infant boys to his eldest sister, the Countess of Leven.[1] In or about 1708 he married, as his second wife, Miss Mary Robinson, eldest daughter and co-heiress of Sir John Robinson of Farmingwood, in the county of Northampton, baronet. Their contract of marriage was a post-nuptial one, and stipulated that failing the two sons of the earl's first marriage, the estates and honours should devolve upon the issue of the second marriage. The lady's dowry was the conveyance to the earl by indenture of the right to her estate in England.[2] It is this lady to whom the earl refers as his wife in his letter to Lord Cromartie. Her property consisted of the half of certain estates in the counties of Northampton, Oxford, and Kent, and an arrangement was made between the Earl and Countess of Wemyss, and her sister, whereby the former were to receive the estate of Newnham Courteney in Oxford, and Miss Ann Robinson, the sister, those in the other two counties, together with a sum of £4000. An Act of Parliament was obtained confirming this arrangement. But the estates had been heavily mortgaged by the father of the two ladies, and could not readily be disburdened. The portion appertaining to the Countess of Wemyss was vested in trustees for behoof of her children, failing whom, the Earl of Wemyss, her husband, and his heirs.[3] But this marriage endured only about a year longer than the former one. Mary, Countess of Wemyss, died before 8th September 1712, when an injunction was laid upon the earl by the archbishop of Canterbury to furnish an in-

[1] Vol. iii. of this work, p. 162.

[2] Original contract, 14th June 1709, in Wemyss Charter-chest.

[3] Original documents in Wemyss Charter-chest.

ventory of his late wife's estate.[1] She died without leaving issue, and her estates do not seem ever to have accrued to the earl or his family. It was probably, however, owing to his connection in this way with Oxford that he was, in 1712, appointed a deputy lieutenant of the county by Montagu, Earl of Abingdon, then lord lieutenant of the county.[2]

During his residence in London as a representative peer for Scotland the earl was a keen observer of events both foreign and domestic, as his letters to Lord Leven, his brother-in-law, and others, show.[3] Events, however, severed his connection with Parliament within a few years, and he returned to Scotland, where he was kept informed of political movements by his secretary and agent, Mr. Alexander Bayne.[4]

After returning to Scotland Earl David, in 1711, in fulfilment of the conditions of the marriage contract with his second wife, made resignation of all his estates in the hands of the crown, and obtained a charter of regrant. The resignation was made and the regrant obtained, however, in terms of the earl's first marriage contract, where power was reserved to take these steps. The charter shows that the estates at this time comprised the following lands and others, viz.:— Wemyss-shire with its castle and mains, Littlelun, Tillybreak, Cameron Mill and Haugh, in Fife; Wester Dron and Hill Dron in Perthshire, Kinnaird also in Perthshire; the free burgh and free sea-port of Wemyss, the lands of Little Raith, Powguild and Glenniston, all in Fife; Elcho, with its castle and mains, Balhepburn and its island and fishings, Craigton, Mains and Grange of Elcho, including the twenty-four acres called the Cotland of Elcho, with fishings and teinds thereto belonging, with the office of bailie of the monastery of Elcho, the little meadow adjoining the lands of Easter Elcho; all which were erected into the

[1] Order by Archbishop, in Wemyss Charter-chest.

[2] Commission dated 20th June 1712, *ibid.*

[3] Vol. iii. of this work, pp. 170-176.

[4] *Ibid.* pp. 180-192. Mr. Bayne seems to have been a Scotchman, as in signing some documents of a date prior to this he designates himself "of Logie." He seems also to have been qualifying for the English bar.

Barony of Wemyss: likewise the place and monastery of Elcho, which the charter states was acquired by David, second Earl of Wemyss, from Sir John Moncrieff, lately of that ilk, and Thomas Ross of Friartoun, and was then in a ruinous and decayed condition, also in Perthshire. Also the barony of East Wemyss, comprehending the lands of East Wemyss, with mains and castle thereof, Kirktoun, Windyedge, Harlaw, the town and lands of Buckhaven, with the patronage of the chapel of St. Catharine within the church of Wemyss, the lands of Spittal, Cartmoir, and Dundonald (Glassmonth excepted), in Lochoreshire, with power of digging coals and coal-heughs, and building and holding salt-pans in any place between the Poddle Craig and Dene Burn. Also the lands of Lochhead and right to Loch Gelly, sometime within the barony of Wester Lochoreshire or Inchgall. All which lands were included in the barony of Wemyss, erected in favour of David, second Earl of Wemyss, in 1651. Likewise the lands of Methil, with its mills, Hill and Pirny, Mains or Kirklands of Methil, Innerleven or Caldcoits, the superiority of two parts of Little Kilmux, with burgh and sea-port of Methil, bailiary of the river Leven, and patronage of the church of Methil: also the following lands, some held in principal and some in warrandice, viz. :—The castle of Burntisland, and the sea-mills thereof, to which were astricted the lands of Kinghorn Wester, belonging to the burgh of Burntisland, with the small pendicles of land called the Ross, Creighs Butts, Delphs, etc.; the lands of Bogie, Bennachie, and Rambroig (parts of the lands of Balsusney), the sunny half of the shady half of New Smeaton, with six acres of Old Smeaton; the lands of Cameron, and mill thereof.

It was provided that failing heirs-male of the first marriage, and also of the second, the estates and the honours of the family should descend to the heirs of tailzie and provision contained in the charter of 1671, but only under the condition that the daughter or heir-female succeeding should marry a nobleman or gentleman of the surname of

Wemyss, or, at least, who would assume the surname and bear the arms of Wemyss, and whose male issue succeeding should do the same, and that they should not dispone nor wadset any part of the estate, under the penalty of amitting their right in favour of the next heir. But this condition was not to be imposed upon their heirs-male.[1] On March 28th, 1713, Earl David obtained service of himself as heir-general to his mother, and also to his father.[2]

During his tenure of the office of Vice-Admiral of Scotland, and while in London in 1709, David, Earl of Wemyss, granted a number of commissions to noblemen, gentlemen, and corporations, as his deputies along definite portions of the sea-coast.[3] In addition to the office held by the earl there was an independent commission granted originally to Mr. James Grahame, advocate, Edinburgh, by Charles, Duke of Lennox and Gordon, in 1702, and confirmed to him and Sir Robert Forbes for life, by letters-patent of Queen Anne in 1705, of the office of Supreme Judge of the High Court of Admiralty. On the earl's appointment the question arose whether the Lord High Admiral had power to sit in that court, and the opinion of counsel was taken. They judged he had, by the tenor of the Act of Parliament of 1681, which declared the supreme authority and independence of that court in maritime matters.[4] But the custom seems to have been to leave this judicial work in the hands of legal men. In 1710, Sir Robert Forbes and Mr. Grahame, having found the salary attached to their office insufficient through the operation of the Treaty of Union, applied to the High Treasurer of Great Britain[5] for redress. Their salary was paid out of the tonnage imposed upon all Scottish ships proceeding to sea, but this source had failed under the new regulations, and they

[1] Original instrument of resignation, dated 22d June; crown charter, dated 17th July, and instrument of sasine, dated at Wester Wemyss, 10th August, all in 1711, in Wemyss Charter-chest.

[2] Lindsay's retours *sub dato*.

[3] Copies of commissions in Wemyss Charter-chest.

[4] Acts of the Parliaments of Scotland, vol. viii. p. 351.

[5] The Earl of Godolphin.

were unprovided. If it could not be done otherwise, they sought to be indemnified out of the salary paid to the Earl of Wemyss. The High Treasurer referred the matter to the Scottish Barons of Exchequer, who reported that in their opinion it was reasonable the judges should have a competent salary, but as to how far it was intended to have been provided for by the Earl of Wemyss, they knew not. The earl naturally rebelled against the proposal, and litigation seemed imminent. But Mr. Grahame was constrained to meet with the earl at Wemyss, when matters were amicably settled, and Mr. Grahame gave his written obligation not to impugn nor quarrel the appointment and salary of the earl.[1] Before the close of the year 1714 the earl ceased to hold the office, the Commissioners of the Admiralty for Great Britain, who succeeded the Earl of Pembroke, having conferred it on the Earl of Rothes. On 18th November James, Duke of Montrose, called at the earl's lodgings in London to intimate the change, but not finding him on two occasions, wrote "that his Majestie has been pleased to name the Earle of Rothes for the commission you had as Vise-Admirall of Scotland."[2] Both noblemen appear to have gone to London to welcome the arrival of King George the First, and the change in the earl's position was one of the results of the new *régime*. Believing his supersession in the office of vice-admiral to be an injustice, as he understood the tenure to be for life, the earl caused a protest to be made in his name in the Court of Admiralty that their receiving of the commission to the Earl of Rothes, and recording the same in the books of court should be no prejudice to his maintaining that the office conferred on him by the Earl of Pembroke was for life.[3]

Dean Swift, in one of his letters written from Dublin, 23d March 1733-4, states that Earl David told him he was governor of a castle in Scotland, near which the Dutch used to fish. He sent to them in

[1] Obligation, dated 17th April 1714, and other papers, in Wemyss Charter-chest.

[2] Letter, dated on that day, *ibid.*

[3] Procuratory by the earl to George Handy-

a civil manner to desire they would send him some fish, which they brutishly refused; whereupon he ordered three or four cannon to be discharged from the castle, for their boats were within reach of the shot, when they immediately sent him more than he wanted.[1]

In December 1715 Lord Wemyss lost his eldest son, David, Lord Elcho, a promising youth of seventeen years, by death. This left him with an only child, the other son of his first marriage. Feeling, perhaps, that this was but a slender prop on which to rest the future of the family, he was induced to marry once more. His third wife was Elizabeth, daughter of Henry, Lord Sinclair. The marriage contract was arranged at Dysart on 5th July 1716, and provided that the marriage should take place "instantly." The earl made similar provision for her as had been made for his former wives, Elcho again being the jointure lands, and the children of this marriage were to succeed to the estates in the event of failure of the issue of the former. The tocher given with the lady was 9000 merks.[2] This marriage also lasted but a few years, being terminated by the earl's death on 15th March 1720. One son and two daughters were born of his marriage.

During this earl's tenure of the estates they sustained little change. He sold, in 1700, to Lieutenant-Colonel John Forbes, the castle and sea-mills of Burntisland, which had been brought into the family by his father James, Lord Burntisland,[3] but he seems to have still held the superiority of that property, as it is included in the crown charter of 1711. He also settled the long-standing debt of the Lovat family in such a way as won for him the warm thanks and gratitude of the principal members of that family of the Frasers, who united to the number of fifty-nine in subscribing a letter of thanks and proffers

side, writer, Edinburgh, dated 30th December 1714; and protest by him thereon, dated 7th January 1715, in Wemyss Charter-chest.

[1] Letter to Francis Grant, Esq., Swift's works, edition 1778, vol. xii. p. 400.

[2] Contract of marriage, in Wemyss Charter-chest.

[3] Documents, *ibid.*

of friendship and service.[1] The earl's grandfather David, second Earl of Wemyss, in 1657, incurred a debt of 20,000 merks to John Wood of Largo. The annual rent on that debt was £1200 Scots. This annual rent, Wood, in 1659, mortified for the foundation of an hospital to sustain thirteen poor persons of his native town, of which the Earls of Wemyss were among the principal patrons. This interest, annually paid to the hospital, was its chief if not sole revenue; but in 1714 David, third Earl of Wemyss, paid off the debt, and set free the family from this burden.[2] He borrowed the large sum of £24,000, in 1711, from Sir John Clerk of Penicuik, but repaid the whole again two years later.[3] The earl also paid off a large debt of 40,000 merks incurred by his mother, Countess Margaret, to her son-in-law, David, Earl of Northesk, paying part of it by assigning his share as Vice-Admiral in the salvage from five ships which were stranded near the burgh of Montrose, in the winter of 1708, excepting some silver, which as part of the cargo of one of the ships, the Earl of Wemyss had already received, equal to £15,000 Scots.[4] A letter which he wrote to the Earl of Northesk in connection with the closing of this transaction is so characteristic of the humorous disposition and genial temperament of the earl, that it may be given. It is undated, but was written on the eve of one of his journeys to London.

I was very glad, my dear lord, to know of your getting so well home, for I was in pain for being late that night. We sett out tomorrow early, and propose to ourselves but ane indifferent journey, for our coachman tells us the wayes are intollerably bad. You 'l think, perhaps, the prospect of London still before us is sufficient recompence for our fatigue. I doe not know what it may be to those who have angells before them, or to a man of Glasgow's vigour and inclinations; but my appetits are very well sorted to my vigour, and both are not worth three farthings. As to what you chide me for

[1] Vol. iii. of this work, pp. 163, 164.

[2] Discharge and renunciation, dated 29th and 30th March 1714, in Wemyss Charter-chest.

[3] Bond, dated 26th June 1711; also discharge and renunciation, 15th May 1713, *ibid.*

[4] Assignation and bond, dated at London, 4th March 1709, with relative papers, *ibid.*

not showing yee, my sister can tell yee it was not worth it. I shall write to you or her from the road what befalls us, or anything else the journey produces.

I send enclosed my bond for the balance of what I owe yee, and if I had not drained W. Robertsons hands of money the matter might have ended without a bond. I received your lordships discharge with my mother's bond.—I am, my dear North, most heartylie and faithfully yours.

Wednesday night.

Here is the account betwixt us, which W. R. differs in from you in two hundred fifty eight pound, which Mr. David Thomsone and he may adjust att meetting, and that ballance shall then be payed in to him.[1]

The same characteristics are shown in the following extracts from letters to John, Earl of Mar, Secretary of State for Scotland. Writing on 16th March 1706, shortly before going to London, he says :—

I had write to yee, my dear lord, last post, but my Lord Dalrymple and I were at Newlistoun. Now that her Majesty is fully satisfied of the great courage and conduct of her right trusty and welbeloved friend, all these noble qualifications in him, together with his sincere good wishes, shall alwayes wait the Earle of Mar, his commands; for, my dear lord, I was, I am, and ever shall be very much yours. If old Cromerty himself could draw his own picture better I shall have done.

My Lord Liven and I setts out in a few dayes, so I hope in a little time to be with yee.—I am, my dear lord, your most affectionate cousen and faithfull servant,

WEMYSS.

In another letter to the same nobleman, written on the return journey to Scotland, made apparently in company with the Duke and Duchess of Hamilton, he writes :—

Stilton, September 6.

MY DEAR LORD,—Here is my lord duke and my lady dutchess all arrived very well, and I hope shall hold it out so. His grace orders me to give yee his service; and now that you are there determined upon the day the Parliament sitts, he is assured of the care you 'l take to have all your squadrons full, and that noe body be forgott to be accquainted with the time, that the line be not feable upon the first day of engadgment. He hopes none will fall out of the line of battell; but it gives him a great deall of ease of your lordship's and his friends being there to support and confirm the weak and weavering. I shall be anxious, my dear Mar, to hear how all is

[1] Copy letter, in Wemyss Charter-chest.

after your journey, and of my lady's not being the worse. Give my most humble service to all our friends, and believe me, my dear, most faithfully yours,

We lye at Stamford to-night. WEMYSS.

In a third letter, written after the Union, also to Lord Mar, the Earl says :— Ethie, July 20 [1707].

. . . Now that I have been here, and have seen my own little bratts to att home, I almost wish to be your lordship's housekeeper at the Bath suppose I left my affairs *in statu quo:* for what with the want of money, and our folks yet not being very easie under there late great change, as they call it, or at least not yet finding these mighty things they expected by it, makes poor we that you have sent your errands here, plauged with more questions than all the island will ever be able to answer. One sure way I will take is to answer none: first, I cannot, and next is my naturall inclination to be easie, and the sureest way to purchase that is to hasten away so soon as ever I can, which I'm determined to doe. Our people grumble damnably at the coming of the exchequer notes, and are mad att the thoughts of our wines being seized at London, or the necessity of giving baill. How all these idle thoughts are keept up I don't know, but here they are still. They are very angry with me to, because there's privateers on the coast, just as if there was not five, I may say fifty times more the value in the fleet these ships convoyed away then is left at home.

My dear Mar, this is Sunday, else you should had a more diverting letter, only I put myself again under your lordship's protection, for I am, with all truth, most faithfully yours, WEMYSS.

Cromertie hes found rare things about yee. Northesk is just writing to yee, so I say nothing of him.[1]

In 1719 David, Earl of Wemyss, made assignation of a number of debts then resting due to him, to his son James, Lord Elcho, much in the same way as his mother had done to himself when she gave over the estates to him.[2] In March 1720 he was taken seriously ill at Wemyss. Writing on the 8th of that month, "att ten at night," George, Lord Balgonie, informs his father, David, Earl of Leven, that the earl's sister, the Countess of Northesk, had been hurriedly summoned to see him, by Lady Wemyss.[3] On the 10th he signed an

[1] Original of this and the two preceding letters in the Charter-chest of the Earl of Mar and Kellie at Alloa.

[2] Assignation in Wemyss Charter-chest.

[3] Letter, *ibid.*

assignation in favour of his youngest children, then in infancy,—to David, the son of Countess Elizabeth Sinclair, a sum of 9000 merks due by Henry Lord Sinclair, and to her daughters, Ladies Elizabeth and Margaret, equally between them, a sum of £2958, 8s. Scots, due by David, Earl of Northesk, in addition to the provisions to which they were entitled in terms of their mother's contract of marriage. James, Lord Elcho, was assignee to the former sum in the event of the death of his brother David before attaining the age of sixteen or marriage, and also to the latter sum if both his sisters died before majority or marriage, the survivor having a prior right.[1] The earl's signature to the document is attested by Mr. Alexander Bayne of Rires, advocate, and also by Mr. David Balfour, M.D. in Dunikier, and Mr. David Kinneir of that ilk, M.D., both of whom were then probably professionally in attendance on the earl. At the same time the earl nominated as tutors to his children his son James, David, Earl of Leven, Colonel James Sinclair and Captain William Sinclair, two brothers of the countess, Mr. David Erskine of Dun, Sir William Cockburn of that ilk, William Baird of Newbyth, and Mr. John Paterson of Prestonhall.[2] The earl's illness terminated fatally on 15th March 1720.

Countess Elizabeth Sinclair did not long survive the earl. She died in the following year, 1721. She made a disposition of her personal property on 15th May 1720, in favour of her two daughters, and some of her effects are noted in the inventory already referred to.

The dressing plate belonging to the said Countess of Wemyss, consisting of six boxes, ane looking glass with silver frame, two brushes, two pairs of sole candlesticks and skellet pan of silver.

Ittem, Ane ring with ane brilliant diamond and ane plain ring, ane pearll necklace of two rows, and ane Spanish piece of gold, two sealls sett in gold and some other seals of paste, unsett.

Ittem, Two bigg twilts, one of them Turkey quilting, and the other of Indian; a

[1] Assignation, in Wemyss Charter-chest.

[2] Inventory of writs, etc., belonging to Lady Betty and Lady Margaret Wemyss, 1723, in Wemyss Charter-chest.

quilted satine bed mantle, with three pillowbans of the same quilting; ane christning mantle and sute of spotted muslean; ane quilted satine baskett, with a craddle cover of Turkey quilting, with other small things belonging to a craddle.

Ittem, A gown and pittecoat of white frowered satine, red and green, lined with a red mantwa silk; a colouered frowered satine night gown, lined with a pink coloured silk; a short bed gown of white satine quilted; and four miniature pictures.

Ittem, A black cloath bed and hangings, with large hangings for two roums.

The jewellery and other valuable articles were afterwards made over by James, fourth Earl of Wemyss, to his sisters, who at the time of their mother's death were mere infants.

In his description of the noblemen of his time, Macky, one of the secret service agents of the reign of Queen Anne, thus describes David, Earl of Wemyss :—"Is representative of the antient family of that name, and is a very fine gentleman. He, as his family hath ever been, is zealous for the liberty of the people, and for bringing down the power of the crown. He hath not yet been in the administration; is a fine personage, and very beautiful; hath good sense, and is a man of honour, about thirty years old."[1] Macky must thus have seen the earl about 1708, during his parliamentary career and when living in London.

As already mentioned, David, third Earl of Wemyss, had by his first and third wives three sons and two daughters. Their names were :

1. David, Lord Elcho, born 3d October 1698, and baptized the same day. He predeceased his father, of a fever, on 16th December 1715, in the eighteenth year of his age, and unmarried.
2. James, fourth Earl of Wemyss, of whom a memoir follows.
3. David, only son of Countess Elizabeth Sinclair. He is mentioned in the assignation made by his father while on his deathbed, in March 1720, but apparently died young, and unmarried, as no further reference to him has been found.
4. Lady Elizabeth Wemyss, who married, contract dated 17th April 1734, William, sixteenth Earl of Sutherland. Her

[1] Macky's Memoirs, p. 250.

tocher was 28,000 merks, and of this sum, on the same day she assigned 27,000 merks to her future husband.[1] She died at Dunrobin Castle on 20th February 1747, leaving issue.

5. Lady Margaret, who, on 24th April 1740, married, as his second wife, James, ninth Earl of Moray. She died at Drylaw near Edinburgh, on 31st August 1779, leaving issue.

[1] Assignation in Wemyss Charter-chest.

XIX.—James, fourth Earl of Wemyss.

Janet Charteris (Amisfield), his countess.

1720—1756.

It was in the time of this fourth Earl of Wemyss that an important change was made in the arrangement and possession of the family estates. Francis Wemyss, the second son of the earl's marriage with the only daughter and heiress of Colonel Francis Charteris of Amisfield, who was named after his maternal grandfather, was provided to the colonel's large real and personal estates. It was made a condition that Francis Wemyss should assume the name and arms of Charteris in place of the name and arms of Wemyss. His descendants and representatives in the Charteris estates have continued to bear that surname in place of their original patronymic of Wemyss. The title of Earl of Wemyss has thus been enjoyed by earls bearing the name of Charteris, and who did not at the same time hold the ancient territorial barony of Wemyss. The fourth earl seeing the elder line of his family well provided with the Charteris estates, and being anxious to preserve the ancient name of Wemyss of Wemyss, provided the barony of Wemyss as a separate and independent inheritance to his third son, James Wemyss, who became Wemyss of Wemyss. His descendants in the direct male line still continue to enjoy that ancient family designation. There have thus since the time of the fourth earl been two distinct lines of the family—the one known as Charteris, earl of Wemyss, and the other as Wemyss of Wemyss.

James, fourth Earl of Wemyss, was born on 30th August 1699, and was the younger of the two sons of David, third Earl of Wemyss, and Lady Anna Douglas, his first wife. He was an infant of but a few

months old when his mother lost her life by her clothes accidentally taking fire, and he was taken charge of, along with his brother David, by Anna, Countess of Leven, his aunt. Both the boys were afterwards under the tuition of Andrew Ramsay, otherwise known as Chevalier Ramsay, author of the "Travels of Cyrus," who thus wrote to a friend concerning his pupils: "I have nothing to interrupt me but an hour or two attendance at night upon two of the most innocent, sweet, sprightly little boys I ever knew. All my ambition is to live forgotten by all, doing all the real service in my power."[1]

On the death of his brother David in 1715, he became Lord Elcho, and in 1720, when his father died, he succeeded as fourth Earl of Wemyss. He at this time, or shortly afterwards, fell in love with Miss Janet Charteris, only daughter and heiress of Colonel Francis Charteris of Amisfield or Newmills in the county of Haddington.[2] There were other suitors for the lady's hand, "powerfull rivalls," as Earl James himself designates them, one of whom appears to have been the Earl of Strathmore. But the Earl of Wemyss, whose affection was returned by the lady,[3] and whose suit was encouraged by

[1] Dated at Isleworth, 25th February 1709.

[2] Colonel Francis Charteris became the heirmale of the ancient family of Charteris of Amisfield, in the county of Dumfries. He was the second son of Sir John Charteris of Amisfield and his wife, Lady Catharine Crichton, daughter of William, Earl of Dumfries. Colonel Charteris served in the wars of Marlborough. He married Helen, daughter of Alexander Swinton, a Lord of Session, with the title of Lord Mersington. Colonel Charteris resided occasionally at Hornby Castle in Lancashire, and also at Stonyhill House, near Musselburgh. Stonyhill had formerly been in the possession of the son of Archbishop Sharp, and the prelate had been on a visit there and was returning to St. Andrews when he was murdered on Magus Moor. Besides being the son-in-law of one Lord of Session, the colonel was on intimate terms with other two distinguished judges—Duncan Forbes, the President, and Andrew Fletcher, Lord Milton. To the former he left a legacy of £1000 and a liferent of Stonyhill House, with several acres around it. Lord Milton was married to a cousin of the colonel, and appears to have advised the latter as to the management of his extensive estates, etc. Colonel Charteris died at Stonyhill in February 1732.

[3] Who, says a correspondent to the earl, "demonstrated her excessive love to you at the expence of her father's hatred." [Vol. iii. of this work, p. 197.]

her mother, resolved to conquer the situation by stratagem. First of all, however, he wished to confide his plans to his uncle David, Earl of Leven, and obtain his advice, so he wrote to him urgently, from Edinburgh, where Miss Charteris and her parents were residing, requesting his immediate presence about an affair, the management of which he could trust to no one else, seeing his father was now dead. He frankly explained the situation, but did not disclose his plans. Writing on Tuesday, he stated that Colonel Charteris was to leave Edinburgh for London on Saturday next; and from what afterwards took place it would seem his scheme was that so soon as Colonel Charteris had left Edinburgh, he and Miss Charteris would be quietly married. Colonel Charteris, however, did not leave on Saturday, but notwithstanding that, the marriage took place. While she was supposed to have retired for the night, Miss Charteris was elsewhere being married to Lord Wemyss. A letter to Lord Leven intimated the complete success of the scheme. The marriage took place betwixt nine and ten at night, with all quietness. Next morning about six o'clock Mrs. Charteris went to call her daughter, but found the room vacant. Her father sent off to make inquiries at the lodgings of Lords Strathmore and Wemyss, the former being found alone in bed, but the latter as well as Miss Charteris was wanting. Soon, however, letters arrived from Lord and Lady Wemyss, stating what had taken place, and where they were. The colonel left that day for London, and Mrs. Charteris, who remained, sent her compliments to the married pair. The Earl of Wemyss added a postscript to the letter, sending his own humble service and that of his countess to the Earl of Leven.[1]

After remaining a few days in Edinburgh, Lord Wemyss resolved to take his countess to Wemyss as her future home, but not being possessed of an equipage suitable for the occasion, he borrowed a car-

[1] Vol. iii. of this work, pp. 193-195.

riage and horses from Lord Leven, which, along with his own, might convey the marriage party from Kinghorn to the Wemyss.[1] Before leaving Edinburgh he granted a bond in favour of Countess Janet, in which it is set forth that they had married without a previous contract, and by which he obliged himself to give her as sufficient a liferent portion as was provided to Lady Anna Douglas, Lady Elcho, his mother.[2]

On 9th March of the following year, Earl James obtained himself served heir-general to his father, and thereafter on a precept from the crown he was formally infeft in the Wemyss estates.[3] Like his father he became a member of the Royal Company of Archers, the king's body-guard in Scotland. With his elder brother David, Lord Elcho, he entered their ranks in 1714. He was appointed on 21st July 1724 one of their brigadiers; being afterwards promoted on 1st July 1726 to be lieutenant-colonel or lieutenant-general, and on 24th September 1743 to be captain-general in succession to the Duke of Hamilton, who died in that year, and he held the chief command of the company until his death. His son David, Lord Elcho, was at the same time one of the adjutants, having joined the company on 12th July of the previous year, 1742, and both his second and third sons afterwards enrolled themselves in its ranks. The earl frequently took part in the public displays and competitions of the Archers, and was the first to win the silver bowl, the shooting for which was instituted in 1720. He was the victor among twenty archers. On his death the vacant command was given to Charles, third Duke of Queensberry, as the person most able to "fill Lord Wemyss bonnet" worthily.[4] On 1st July 1726 the council of Perth conferred the freedom of that city upon the earl;[5] and he was on 30th November 1743 appointed grand-

[1] Vol. iii. of this work, pp. 195, 196.

[2] Bond, dated 28th September 1720, in Wemyss Charter-chest.

[3] Retour, also Crown precept dated 29th March, and instrument of sasine dated 11th May 1721, *ibid.*

[4] Commissions, *ibid.*; History of the Royal Company of Archers, by James Balfour Paul, advocate, pp. 63, 80-82, 87, 359, 365.

[5] Burgess ticket, in Wemyss Charter-chest.

master of the Free Masons in Scotland. He held the office for a year, and on retiring as past-grand-master, gave a donation of ten guineas to the charity fund.[1]

It does not appear that James, fourth Earl of Wemyss, took any prominent part in the politics of his day. It may almost indeed be inferred from, among other things, a letter written to him by an old minister of the Church of Scotland that his sympathies were scarcely with the reigning house of Hanover. He had become an Episcopalian,[2] and had left off worshipping in the parish church, although this did not free him of responsibility in the maintenance of the church as principal heritor and patron, evidence of which exists in a declaration by the presbytery of Kirkcaldy in 1723, that the manse of Wemyss had been repaired by the earl in terms of their instructions. Payment of half the cost having been made by him, and the other half waiting only the presbytery's approval of the work, they declared it free.[3] The earl appears, however, to have occupied himself much with his own estates and their improvement. He took the active oversight of both his coal-mining and salt-manufacturing industries. His letters, of which a few are printed,[4] contain evidence of that. Some of them show that matters did not always go smoothly between the mine-owners and the miners and other workers at that day, and that just as there were combinations of the mine-owners and salt-manufacturers against the traders, so there were combinations among the workmen against their masters. In one letter to his factor, Mr. James Leslie, Lord Wemyss has occasion to write thus :—

> Since these tenants are so stubborn that they won't coall the pans without their own price, I know no other way than first to protest against them for damnadges done me by their not working, and then to cause Baily Malcolm hold a court on Munday, and any who stand indebted to me by the list of rests to throw him in prison untill

[1] History of Free Masonry and the Grand Lodge of Scotland, by W. A. Laurie, p. 106.

[2] Vol. iii. of this work, pp. 196-202.

[3] Declaration, in Wemyss Charter-chest.

[4] Vol. iii. of this work, pp. 202-207.

he pay'd, and to break one of their tacks to deterr them from doing so for the future. —I am, your humble servant, WEMYSS.

I think all the salt that 's lost by the pans not going should be stated to their accounts.[1]

Besides this, according to another letter,[2] the salters, when the arrest of one of their number was attempted, deforced the officer, and the earl ordered stringent measures to be taken until he came home, when he would personally take order with his turbulent dependants.

The trouble which the earl had with the miners, and the position in which they and their families were at that time, is also illustrated in his letters. In a postscript to one he writes to his factor—

Dont forgett to write the name of the coallier and his wife which run away from the Methill a few days before I left home, and desire William Forbes to search for them at Pinckie, and for Lindsay, and gett them over.[3]

About a year later he wrote again :—

. . . I do not see you had any occasion to delay requireing back stragled coalliers till you had advis'd with the commissioners, for that was a strict charge given you to look after them, and in consequence of the coall proprietors meeting at Edinburgh; therefore the moment a coallier leaves his work he ought to be sent after immediately, otherwise it gives him time to gett into England, where he can never be recover'd. And when the greives don't represent this to you in time they ought to suffer for it. Besides the coalliers, their children should be all look't after, and sett to work below ground when capable, and not allow'd to hirr'd cattle, or go to service, as many of them have done, and I wish, may not be the case as yett. And if you see it for my benefitt, and that there 's work and room for more people below ground, why don't you gett some of Balbirny's coalliers, who are now in different parts of the country, and no body's property. Pray are Alexander Leslie's and Thomas Lumsden's children now working at the coal work.[4]

In another letter to the same factor, he says :—

Two days agon I was aggreably surpriz'd with Captain Pemberton's bringing into my house a pretty young girl whom he had married the night before at Stockton, and

[1] Undated letter, in Wemyss Charter-chest.

[2] Vol. iii. of this work, p. 203.

[3] Letter from Norton, 12th August 1750, in Wemyss Charter-chest.

[4] Letter from Norton, 28th April 1751, *ibid.*

by whom, he says, he getts a good fortune. He remembred all friends in Scotland, and desir'd you would send under my directions Will Reed's son's sign'd indentures, with the other lads he gott there. They are all good sailors, and please him very well. Just as I was ending this, one, William Cairns, a sailor who lives at Campveer, brought me a present of some chocolate, and ask't the favour of creditt for ten dozen coalls. He is to call for them soon, and I have given him a note to produce to you for your warrant. He is Archibald Cairns, Methill coallier's son, and I suppose has elop't from the works. However, as the lad has been long absent, I could not discourage him by refuseing his demand.—I am, sir, your humble servant, WEMYSS.[1]

My compliments to your spouse.

The seizure beyond the Isle of May, by the custom-house authorities in 1722, of a Dutch ship laden with coal from Methil, and the forcible detention of the ship at Burntisland, led to a representation being laid before the Commissioners of H.M. Customs by the earl and the master of the ship, Marinus Trump, in reference to the case, and the special privileges possessed by the harbour of Methil. It set forth—

That the said Earl of Wemyss, his predecessors and authors, the Earls of Craufurd, in consequence of a gift from the Crown as early as the 1330, and confirmed by the Sovereign and Parliament, and conveyed down to the person of Sir Thomas Moncrief, for himself and in name of the other creditors of Craufurd, have immemorially been in the possession of granting cocquets, searching all ships, and of ane exemption and freedom of paying any duty upon coall from the harbour of Methell, and that as well before the Union as since that time.

It also set forth that the sixth article of the Treaty of Union, while imposing the import and export duties current at English ports on all the ports of the United Kingdom, excepted and reserved all special rights of exemption enjoyed by persons in either kingdom, which were to remain to them as safe as formerly. The exemption enjoyed by the earl applied only to coal from his own collieries, and had never been used in respect of the duties imposed on other merchandise, nor in abetting any fraud upon the revenues. On the

[1] Letter from Norton, 24th August 1752, in Wemyss Charter-chest.

strength of this exemption, and the security of its permanence, his late father and himself had expended large sums on the improvement of their coal works and the harbour, had entered into contracts with the Dutch merchants, and had created a considerable trade with foreign parts. But if their privilege was to be infringed the Dutch would be driven to trade with other countries, and their trade, including their imports and the customs on them, would be lost to the nation, and an irretrievable injury would be inflicted on the earl. This trade, it is further alleged, if once diverted would not easily be recovered, "as by experience was found when ane interruption was made by the privateers on the coast during the late war."[1]

Besides this foreign trade the earl also supplied coals for home consumption, and it appears from the coal accounts in 1729 that one of his contracts was to supply coal for the light on the Isle of May at the mouth of the Firth of Forth.[2] Salt, too, was manufactured and sold by the earl in large quantities, sometimes so large, as when supplying the requirements of the Iceland fishers for curing, that he had to procure the produce of other manufactories on the Forth.

The proverb, "Marry in haste and repent at leisure," was verified in the experience of Earl James. Colonel Charteris, the father of Countess Janet, died in 1730,[3] having in the previous year made a disposition of his property in favour of his daughter's second son, Francis Wemyss, who was to assume the surname of Charteris. Provision was also made for the other children, but their education, it was stipulated, should be in the hands of others rather than their father the earl, and tutors and curators were appointed by Colonel Charteris.

[1] Representation, in Wemyss Charter-chest.

[2] Accounts, *ibid.*

[3] One incident of the funeral of Colonel Charteris is disclosed by the registers of the Lyon Court. The Countess of Wemyss, it appears, erected a funeral escutcheon to the memory of her father, which bore a coat of arms which had not been registered in terms of the statute of 1672, and which, moreover, belonged to another family. For this the Earl and Countess of Wemyss were fined, and the escutcheon was pulled down by order of the Lyon.

His widow survived until 1732, and the Countess of Wemyss and some of the children lived with her in her house in Parliament Close, Edinburgh; and after her death the countess continued to reside there, for it was in this town residence that her second son, Francis, nearly met with a tragic fate. In 1736 occurred the Porteous riots, in connection with which the countess's footman was arrested and put on his trial for murder, though it transpired that on the night Captain Porteous fell a victim to the fury of the mob, he had been drinking so heavily that he permitted a Lochaber axe to be placed in his hands, with which, in his livery, he unconsciously remained posted in a conspicuous place until discovered and seized by the authorities. At home, however, in their childish sport, the young members of the family set about re-enacting the riotous scene, choosing their brother, Francis, to play the *rôle* of the unhappy captain. They actually carried out the last part of the tragedy by hanging the boy, but he was opportunely rescued.[1]

It was just about the time of her parents' deaths that the differences arose between the countess and the earl which resulted in their separation—a separation which no attempt at reconciliation ever repaired. The earl was too high-spirited tamely to consent to lose the control of his children's education, and a considerable amount of litigation was the result. The countess had from her parents adequate means for her support, and some time afterwards she went to England alone, and after residing some time at Hadin Court, by Henley, in Oxfordshire, and at Taploe, where she built a house for herself, she went to France. She was in Edinburgh in 1745, when Prince Charles occupied the palace of Holyrood, and gave several balls there to the ladies of that city. At the first ball she is said to have led off the dance with the prince in a celebrated strathspey.[2] She survived the

[1] Traditions of Edinburgh, by Robert Chambers, vol. ii. p. 204.

[2] Tales of the Century, 1746 to 1846, by John Sobieski and Charles Edward Stuart, pp. 184-5.

earl until 1778, and after his death returned to England to dispute with her children in the law-courts respecting her provisions and terce. But of this litigation further notice will be taken in the following memoir.

Among the other provisions made by Colonel Charteris for his grandchildren, was a legacy to David, Lord Elcho, the eldest son of Earl James, of £10,000 sterling. It was payable at the death of the donor, who stipulated that it should be applied to paying off the most preferable debts due by the Wemyss family. Part of this sum was paid by the trustees of Colonel Charteris, but owing to variance the earl was obliged to take legal measures in 1735 to compel them to pay the rest. By the year 1742, the whole of the money, and the interest which had accrued, amounting in all to £11,686, was paid, being allocated on a number of specified debts. But the trustees insisted that the bonds over these debts should be assigned to Lord Elcho, and that the earl should also grant a heritable bond to his eldest son for this sum, it being treated as principal, and lay out the interest thereof—£500 sterling—for the education of Lord Elcho, giving him security in the same out of the estates. This the earl declared he was very willing to do, not only to infeft Lord Elcho in such an annual rent from the lands, but in the estates themselves, which he did by denuding himself of them by resignation, and infefting Lord Elcho in them.[1]

This was a step, however, which the earl had soon reason to regret. David, Lord Elcho, took an active part in the rebellion of 1745, and though he himself escaped to the Continent, his property was confiscated by the crown. His sole estate was the legacy above mentioned, and the annual rents due thereon from the date of the sentence of attainder. Mr. Francis Wemyss Charteris, the earl's second son, in 1749, put in a claim to the estate of his brother, mainly on the ground that his father by interposing and misdirecting his children's education,

[1] Disposition and bond, dated 21st July 1742; also sasine of Lord Elcho in the Wemyss estates, 24th and 28th January 1743, in Wemyss Charter-chest.

contrary to the terms of Colonel Charteris's bequest, had forfeited his right, which therefore devolved upon him. The earl opposed the claim, which was dismissed by the Lords of Session, and also, on appeal, by the House of Lords. The Barons of Exchequer, however, demanded payment of the money, and an arrangement was made between the earl and his second son, whereby Mr. Francis Wemyss Charteris furnished the sum of £8500 sterling, and in lieu thereof obtained the Elcho estates from his father. The earl had himself to furnish £4000 sterling, the whole sum demanded by the crown being £12,500. For its payment the earl received the discharge of the exchequer on 14th August 1751, which, of course, included the cancellation of the annuity and of the infeftments executed in favour of David, Lord Elcho. A question arose about the half-year's annuity, £250, which had been paid to Lord Elcho at Martinmas 1745, and which the earl insisted had been legally paid. It was allowed to stand until reference was made to the Lords of Exchequer, on bond being given for its payment if found due, and they decided that it had been legally paid.[1]

The attainder of Lord Elcho obliged the earl to make a new settlement of his estates, which he did in 1750, by executing a procuratory of resignation of the estates in favour of himself and his third son, Mr. James Wemyss, and his heirs-male, failing whom, the successive heirs were the second son of Mr. Francis Wemyss Charteris, his other younger sons, the earl's own daughters and their heirs-male, whom failing, their heirs-female in succession, always observing proper seniority, and the estates being undivided among coheiresses. Other nominees were the earl's niece, Lady Elizabeth Sutherland, and her heirs-male, and his nephews, the sons of his sister Margaret, Countess of Moray, and their heirs-male, and finally Walter Wemyss of Lathocker, and his heirs-male; whom all failing, the earl's heirs whatsoever. He also ordained that in the event of the death of Lord Elcho before his

[1] Original documents, in Wemyss Charter-chest.

own, his estates should go with the honours of Wemyss to his second son; but this was only to be if Lord Elcho predeceased the earl. This procuratory of resignation bears date 31st July 1750, and it superseded another made on 18th May preceding, which did not contain the last-mentioned destination of the estates.[1]

During the later years of his life James, Earl of Wemyss, lived chiefly at Norton, in the county of Durham, but he occasionally came to Wemyss for short periods. He was at his ancestral castle in June 1755, and writing from Wemyss on the 19th of that month to his third son, James, he says: "I have a great deal to do just now with repairing and new leading the old part of this house, but, please God, I think to be at Norton in three weeks hence.—I remain, your most affectionate father,—Wemyss."[2] He died at Norton on 21st March 1756, and was buried at Wemyss.

The body of the earl was conveyed from Norton to Wemyss, and interred in the family burial-place at the church there, on Thursday, 8th April. The funeral procession is described in a contemporary periodical as follows:—

Two baton men with gilded batons.
Two baton men with gilded batons.
Two gentlemen riding-ushers, bare-headed.
Two gentlemen riding-ushers, bare-headed, carrying the crest of the family on red standards.
Two gentlemen riding-ushers, bare-headed.
Two gentlemen riding with the arms of the family, bare-headed, carrying long standards on crimson silk.
Two baton men with gilded batons.
My lord's servant on horseback, with a drawn mourning sword.
A gentleman riding with the hatchment of the family's arms, bare-headed.
Two gentlemen riding-ushers before the crown.
Two mutes, bare-headed, with black cloaks.
The State crown, carried by the principal factor in deep mourning, bareheaded,

[1] Scroll procuratory of resignation, in Wemyss Charter-chest. [2] Letter, *ibid.*

ushered by two baton men with gilded batons, and supported by two principal servants with drawn swords.

The corpse, under a dressed canopy, with the relations, drawn by six horses, ornamented with the branches of the family and streamers.

The chief mourners in coaches.

The company in coaches.

The tenants on horseback.

The livery-servants two and two.

The pall was supported by

The Hon. Mr. Charteris.

Hamilton of Bargeny.	Captain Dalrymple.
Earl of Moray.	Earl of Sutherland.
Earl of Leven.	Sir J. Wemyss of Bogie.
Wemyss of Lathocker.	General St. Clair.[1]

A scion of the Wemyss family, writing in 1759, says of this earl: —"His humanity and integrity, his affability and gentleness of temper, his veracity and fortitude of mind, his benevolence and compassion, were eminent, and will greatly perpetuate his memory. For in his lordship every social virtue was heightened by that remarkable resignation to the will of heaven with which he patiently submitted to a variety of uncommon misfortunes. But the most deserving are not always the most lucky in human affairs."[2]

By his countess, James, fourth Earl of Wemyss, left seven children, three sons and four daughters.

1. David, Lord Elcho, born on 30th July 1721. He had for some time as his tutor Dr. Alexander Mackenzie, with whom he travelled on the Continent, returning to Scotland in 1741. His father had settled the Wemyss estates upon him, and was also making arrangements for his marriage in 1745, when the Rebellion broke out. Lord Elcho joined Prince Charles at Edinburgh, was appointed colonel of one of his troops of horse guards, accompanied the prince into England,

[1] Scots Magazine, vol. xviii. p. 150.

[2] Letter of William Wemyss, writer in Edinburgh, in Wemyss Charter-chest.

and was with him until the battle of Culloden. He then escaped to France, and took part in the state entry of Prince Charles into Paris in the following year. He was convicted of treason, and his estate was forfeited to the Crown. Arrangements were made for his support which will be referred to in the following memoir. Lord Elcho continued to reside in France and Switzerland, and died at Paris on 29th April 1787, unmarried. He wrote a Journal of the Rebellion, the original of which is preserved at Wemyss Castle. A full-length portrait of him is also preserved there.

2. Francis, born 21st October 1723. He inherited the extensive estates of his grandfather, Colonel Francis Charteris of Amisfield, including the English manors of Hornby and Cockran in the county of Lancaster, Prestonpatrick and Holm in the county of Westmoreland, and the rectory and tithes of Ormskirk in the county of Lancaster, and in accordance with the terms of his grandfather's settlement, assumed the name of Charteris. On the death of David, Lord Elcho, he succeeded to the honours and dignities of the family of Wemyss as fifth Earl of Wemyss. He was ancestor of the present Earl of Wemyss and March.

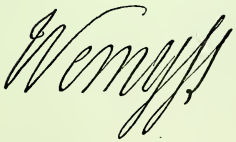
3. James, of whom a memoir follows.

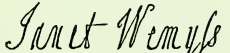
The daughters were—

1. Lady Frances, who was born on 7th November 1722. She married, at Dunrobin Castle, the residence of her aunt, on 14th October 1743, Sir James Steuart Denholm of Coltness and Westshiel, Lanarkshire, Baronet, author of the "Principles of Political Economy." With her husband, who espoused the cause of Prince Charles in 1745, and was intrusted by him with several important missions, she retired to France on the overthrow of the Rebellion, and she is frequently

referred to in the letters of the Chevalier. Sir James Steuart, however, was pardoned, and returned to Scotland. Lady Frances corresponded with her brother, James Wemyss of Wemyss, up to the time of her death. She survived her husband, and died at Coltness on 29th June 1789, leaving issue.

2. Lady Walpole, born 1st December 1724, and who married at Edinburgh, on 17th January 1754, M. Louis de Chastel, Chevalier, Sieur de la Barthe, captain of horse in one of the companies of the Life Guards of the King of France. On the previous day she placed her marriage portion, £4000, in the hands of trustees for behoof of herself and her children, excluding the *jus mariti* of her husband. She died at Toulouse early in 1755, without issue.
3. Lady Anne, born on 30th October 1727. She married, contract dated 25th April 1746, John Hamilton of Bargeny, Ayrshire, M.P., brother of Sir Hew Dalrymple of North Berwick. She died without issue.
4. Lady Helen, who was born 11th April 1729, and married at Bargeny, Ayrshire, on 25th April 1754, Hugh Dalrymple of Fordel, son of Sir John Dalrymple of Cranston, Baronet; but she also died without issue.





XX.—The Hon. James Wemyss of Wemyss.

Lady Elizabeth Sutherland, his Wife.

1756—1786.

By the terms of the entail which James, fourth Earl of Wemyss, made in 1750, the family estates were on his death to devolve on his second son, Francis Wemyss Charteris, provided that his eldest son, David, Lord Elcho, had predeceased, in which case the honours of the family would have naturally descended from Earl James to his second son. But if Lord Elcho survived the earl, the estates of Wemyss were provided to James, the third son of Earl James. As the earl predeceased Lord Elcho the second arrangement was carried out, and on 26th May 1756, James Wemyss of Wemyss was retoured heir of tailzie and provision general to his father.[1]

The Hon. James Wemyss was born on 23d February 1726. Being the third son, with no expectations of succeeding to the Wemyss estates, he chose the navy as a profession. That appears to have been considered appropriate, as his grandfather was Lord High Admiral of Scotland. He entered the royal navy in February 1741 as a midshipman, in which capacity he served on board the "Marlborough," the "Looe," the "Preston," and the "Deptford," and for a short time on board the "Preston" as able seaman. A relative, the Hon. George Carnegie, afterwards sixth Earl of Northesk, was second lieutenant on board the "Marlborough" when the Hon. James Wemyss began his naval career, and it was under his command that he served on board the "Looe" and the "Preston." In the "Deptford" he was under the command of John Moore. On 26th September 1745

[1] Original retour in Wemyss Charter-chest.

he attained the rank of lieutenant, and served as such on board the "Orford," also under the command of the Earl of Northesk. He still held that rank in March 1755 and January 1756, on both of which dates he received commissions to proceed on special service.[1]

Since his first entering the navy, the position of the family had been greatly altered. The eldest brother, David, Lord Elcho, was forfeited. Francis, the second brother, had inherited the fortune of his grandfather Colonel Charteris, and Mr. Wemyss himself, as the third brother, had been provided to the paternal estates of Wemyss. He appears to have become impatient of the slow promotion to be obtained in his profession. He meditated retirement if promotion, which he asked for, was not granted.

After the death of his father he received a letter from his brother, Lord Elcho, urging him strongly to quit the navy, establish himself "at the old castle, and marry immediately," so as to preserve the estates in the family.[2] If the arguments of Lord Elcho were not of themselves sufficiently powerful to induce his brother to leave the navy, they were so strengthened by the failure of the application by Mr. Wemyss for promotion, that he appears to have resigned his commission in the navy soon afterwards. To his request for promotion Richard Grenville, Earl Temple, First Lord of the Admiralty, replied as follows:—

Admiralty, January 12, 1757.

SIR,—Tho I shall always be enclined to give encouragement to gentlemen of your rank and fortune to continue in the fleet, yet you are too well acquainted with the service not to see the difficulty I must be under to give you that rise at once which you seem to insist upon as absolutely necessary to your continuance in a profession in which no doubt but you would do yourself honour. I therefore can only assure you that I am, Sir, your most obedient and most humble servant, TEMPLE.[3]

His retirement from the navy was matter of great regret to his friends,

[1] Certificates of services and commissions in Wemyss Charter-chest. Cf. History of the Carnegies, Earls of Southesk, by William Fraser, pp. 397-400.

[2] Vol. iii. of this work, pp. 208, 209.

[3] Original letter in Wemyss Charter-chest.

one of whom, Captain, afterwards Admiral, Richard Kempenfelt, wrote to him thus on 14th August 1759 :—

The navy should not have neglected you, nor you it. What powerfull charm fetter'd your ardour? Possessed of every quality to shine conspicuous, why would you shade yourself in peace when your country, when all Europe, is as in a blaze of arms? One half of my acquaintance might have done the same and I should have taken no notice of it; it would not have been necessary; but your retirement is a real loss to the navy. Perhaps I am to free, but you must remember that we have been messmates.[1]

The Hon. James Wemyss married on 29th August 1757, at Dysart, his cousin, Lady Elizabeth Sutherland, the only daughter of William, sixteenth Earl of Sutherland. Her father and mother being dead, the relatives who arranged the marriage on her behalf were her brother, William, seventeenth Earl of Sutherland, and her grandmother, Katherine, Lady Strathnaver. Her tocher was £4000 sterling, of which three-fourths were to be paid by Lady Strathnaver.[2]

The Wemyss estates were provided to the Hon. James Wemyss under a very stringent and peculiarly designed entail, which some of his legal advisers termed "a most irrational one." There were several anomalies in the selection of the heirs of entail, chiefly by way of omission. All the daughters of Mr. Wemyss, as well as those of his elder brother, Mr. Charteris, were by omission excluded from the succession, which, in the event of the failure of the male issue of Mr. Wemyss, devolved upon the second son of Mr. Charteris, and failing such second son, it was provided to the sisters of the late Earl of Wemyss and their heirs. Besides this, the earl died indebted to the amount of over £10,000 sterling, which his heir was bound to pay, but at the same time was strictly prohibited from selling or wadsetting any part of the estates for any such purpose on pain of forfeiting his right to them.

[1] Vol. iii. of this work, pp. 210, 211.

[2] Marriage-contract, dated at Edinburgh and Dysart, 9th and 12th August 1757, in Wemyss Charter-chest. Lady Strathnaver was the widow of William, Lord Strathnaver, only son of John, fifteenth Earl of Sutherland. She was a daughter of William Morrison of Prestongrange, in the county of Haddington. The certificate of proclamation of banns in Dysart church is dated 14th August 1757. [Original at Wemyss Castle.]

So soon, therefore, as Mr. Wemyss entered on possession he took the opinion of two eminent lawyers, Lord President Craigie and Mr. James Ferguson, as to what he should do in the circumstances. One point in his favour was that the entail had not been recorded, and he was under no obligation to place it on the registers. As creditors were not in law held cognisant of an unrecorded entail, the estates might still be affected with debt, and held liable to meet it, and no substitute heir would be able to take advantage of the irritancy clauses against Mr. Wemyss, provided he were careful promptly to purge any diligences raised against him for moneys he might have obtained on the security of the estate. The counsel consulted accordingly recommended Mr. Wemyss to have the lands adjudged upon the entailed debts to stand in the person of a trustee for his behalf. But it does not appear that Mr. Wemyss acted upon the advice, or took any measures which, at the best, it was admitted involved much risk.

From a careful view of the state of affairs made up at the time, it appears that the actual net rental of the real estate amounted to little over £1400, and the casual rent—that from coal and salt—about £600, together making about £2000. From this fell to be paid the annual interest of the late earl's debt, amounting to fully £500, and an annuity of £500 paid by him to the Countess of Wemyss, so that the clear annual revenue was only about £1000. From a small estate of his own Mr. Wemyss received nearly £350 more annually, but his total income was the amount of these two sums, £1350 sterling.

A claim upon the estate at the entry of Mr. Wemyss was the provision required for David, Lord Elcho. Although an exile, and by law debarred from all participation in the patrimonial inheritance, he was still regarded with affection by the family, who took steps to provide him with a competent allowance. As, however, the Wemyss estate was so embarrassed, and Janet, Countess of Wemyss, was secured in an annuity of £1200 by her late father's settlements, it was

thought reasonable that she should relinquish her terce from the Wemyss estate that it might be provided to Lord Elcho.

Janet, Countess of Wemyss, was at this time residing in France, where both her son, Lord Elcho, and her son-in-law, Sir James Steuart, with his family were, the latter having also been obliged to retire to France in consequence of his complicity in the rebellion of 1745. Lady Wemyss had crossed the channel in 1748, and after passing the winter at Bâle, where she was obliged to stop through illness, she proceeded in the following spring to Lyons. Sir James Steuart and her daughter, Lady Frances, met her there, and took her to their house at Angoulême. For several years she remained with them, and then took a separate house there for herself and Lord Elcho. It was at this time the application was made to her jointly by Lord Elcho's brothers and sisters, and she assented to the proposal. She made assignation of her terce from the Wemyss estate in favour of John Hamilton of Bargeny, another of her sons-in-law, James Wemyss of Winthank, Walter Wemyss of Lathocker, and David Anderson, W.S., the law-agent of the family, the force of which was to terminate on her own death or that of Lord Elcho.[1]

Thereupon Mr. Wemyss of Wemyss granted a bond in favour of his co-trustees, obliging himself to pay to them £250 sterling yearly during his mother's lifetime, and upon her decease, £500 sterling for sixty years. But this bond was qualified by a mutual declaration between the trustees that both the annuities should cease and determine on the death of Lord Elcho.[2]

After this had been arranged, Lord Elcho suggested that it would be a more satisfactory settlement if his annual allowance could be

[1] Dated at Versailles, 16th October 1756; and attested there by Mr. Thomas Hope, doctor of physic, son of Sir Thomas Hope of Rankeillor, and Mr. Isaac Panchaud, clerk to a Parisian banking firm. Extract in Wemyss Charter-chest.

[2] Bond and declaration, dated 24th January 1757, *ibid.*

commuted by the payment to him at once of a capital sum of £10,000, to which the brothers consented, although it was a step fraught with considerable risk to Mr. Wemyss. His share was to be £6000, Mr. Charteris giving the other £4000. Part of the sum had to be borrowed, but the arrangement was considered a good one, and Lord Elcho promised that he would never "ask a farthing more" from Mr. Wemyss or his family all his life.[1] The annuities were therefore now cancelled by a discharge from the trustees,[2] and another from Lord Elcho,[3] who, at the same time, not only ratified the discharge given by the trustees, but also confirmed the entail made by his father in favour of his brother James and others, and himself granted a disposition, selling to his brother James, his heirs and assigns, heritably and irredeemably, the estates of Wemyss, promising that as soon as he should be found in a capacity by the laws of Great Britain to hold any lands or heritages there, he would take the usual steps to confirm his brother in the paternal estates.[4] This arrangement was further confirmed by Mr. Charteris and the three surviving sisters of Lord Elcho, and their husbands, giving their bond, approving of the assignation made by their mother as "a most rational deed," and promising never to impugn it in any way.[5]

But the Countess of Wemyss and her son, Lord Elcho, had found it impracticable to continue to live in house together, and she was so incensed at his behaviour that she determined to recall the gift of her motherly affection. Her children dealt with her to no purpose, and had eventually to remind her that she could not do as she wished, as, not having reserved any power of revocation in her assignation, the deed was absolute and irrevocable. This only added to her

[1] Vol. iii. of this work, pp. 210, 214-220.

[2] Dated in March and April 1760, in Wemyss Charter-chest.

[3] Dated at Yverdon, in Switzerland, 20th June 1760, *ibid.*

[4] Original ratifications and disposition dated as above, *ibid.*

[5] Bond, dated in November and December 1760, *ibid.*

exasperation, especially as her son James, for whom of all her children she professed most affection, was unable to divert the payments made to Lord Elcho to her. In her isolation she fell under the influence of a countryman, then residing in France, the Hon. Alexander Murray,[1] by whose advice she instituted legal proceedings for the reduction of the assignation made by her. For this purpose she returned to England, and negotiations were renewed. A conference took place, and Lady Wemyss agreed to take a payment of £500 and an annuity of £200, in order to prevent further loss by the entire forfeiture of the terce, which would take place if the Crown became cognisant of the disposition of it made in favour of Lord Elcho. But under the advice referred to, she resiled from that understanding also; and seeing the impossibility of keeping the matter private under reference of the case to the courts of law, Mr. Wemyss, acting on legal advice, applied to the Crown for a gift of the terce, as having become escheat, which he obtained by letters under the privy seal of Scotland, dated 30th March 1765.[2]

Janet, Countess of Wemyss, accordingly raised actions against the members of her family and others concerned, both in England and Scotland, the proceedings in which were long protracted. During these she resided some time in England and some time in France. In the action raised by the countess in the Court of Session in Scotland,

[1] The Hon. Alexander Murray was the fourth son of Alexander, fourth Lord Elibank. He had been in the army, but for exciting the mob to violence at the election for Westminster in May 1750, was, by the House of Commons, ordered to be committed close prisoner to Newgate, and to be brought to the bar of the House to receive sentence upon his knees. He refused to kneel, and was declared to have been guilty of a high and most dangerous contempt of the authority and privileges of the House. He was thereupon confined in Newgate prison until the close of the Session, when he made a triumphal progress from the prison to his residence. For publishing a pamphlet in his own defence, Parliament again ordered his arrest, and the king issued a proclamation offering a reward of £500 for his capture. But he had previously set out for France on account of his health. [Scots Magazine, vol. xiii. pp. 44, 45, 104, 208, 209, 305, 541, 542.]

[2] Letters of gift, in Wemyss Charter-chest.

she pleaded that the assignation had been extorted from her, by violence and fear, by her eldest son, Lord Elcho, in a foreign land, but the judges held that her allegations were not borne out by the evidence adduced, and were disproved by her own letters. The Lords of Session decided against the countess.[1] She immediately appealed the case to the House of Lords, and it was still pending there when she died at Taplow, in the county of Buckingham, between eight and nine o'clock in the morning of the 1st of March 1778. The countess expressed a desire to be buried at Taplow.[2]

Besides this unhappy family litigation Mr. Wemyss of Wemyss had a near interest and much responsibility in one of the most important of the peerage cases of last century. By his wife, who was the only sister of William, seventeenth Earl of Sutherland, whose mother, Lady Elizabeth Wemyss, was also eldest paternal aunt of Mr. Wemyss, the latter was closely connected with the family of Sutherland. In the spring of 1766, to dispel in some measure their grief at the death of their elder daughter, the Earl and Countess of Sutherland went to Bath, where they were to have been joined by Mr. Wemyss and his family, but circumstances prevented the latter from going.[3] Meanwhile the Earl of Sutherland was stricken down with fever, and his countess, Mary, daughter and co-heiress of William Maxwell of Preston, in the stewartry of Kirkcudbright, watched him day and night for twenty-one days without rest. Worn out by such a continuous strain, she died on 1st June, and the earl succumbed to his disease sixteen days later. They left an only daughter under guardians, of whom Mr. Wemyss of Wemyss was one, and from his relationship, his wife and their children being next heirs to the infant Countess of

[1] Copy judgment and opinions of Lords of Session, 2d February 1776; memorials and printed cases, correspondence, and other papers in Wemyss Charter-chest.

[2] Papers and correspondence in Wemyss Charter-chest.

[3] Vol. iii. of this work, p. 221.

Sutherland, he was called upon to undertake the principal management of the Sutherland estates, as well as of the general interests of the countess, who personally was intrusted to the care of her grandmother, Lady Alva.[1]

The right of the infant daughter of the deceased earl to succeed to the peerage was at once challenged by Sir Robert Gordon of Gordonston as the heir-male of the Gordon Earls of Sutherland, and his action induced George Sutherland of Forse to claim as the heir-male of the original Sutherland Earls of Sutherland. The direct male line of the Earls of Sutherland from Hugo Freskyn, who flourished in the time of King William the Lion, terminated in John, ninth Earl, in 1514, when the earldom passed to his sister, Elizabeth, Countess of Sutherland. She married Adam Gordon, son of George, Earl of Huntly, who took by courtesy the title of Earl of Sutherland, and the direct male line of that marriage was terminated by the death of William, the seventeenth earl, in 1766. Sir Robert Gordon, as descended from a younger great-grandson of the marriage between Countess Elizabeth and Adam Gordon, now claimed the peerage as heir-male of that marriage, on the ground that there was a special creation of Adam Gordon as Earl of Sutherland, descendible to his heirs-male. Sutherland of Forse claimed descent from the younger son of William, the fifth earl, who flourished in 1367; but his claim was made more from a desire of opposing the pretensions of Sir Robert Gordon than from an expectation or wish to take the title from the heir of line.[2] The House of Lords decided on 21st March 1771 in favour of the infant countess as heir of the body of William,

[1] Lady Alva was originally Elizabeth, daughter of William Harestones of Craigs, in the stewartry of Kirkcudbright. She married, first, William Maxwell of Preston, in that stewartry, and was mother of Mary, Countess of Sutherland. She married, secondly, Sir Charles Erskine of Alva, Lord-Justice Clerk, and she was thereafter commonly styled Lady Alva. She died in 1806, in her 90th year.

[2] Memorial to the tutors of Sutherland by Mrs. Sutherland of Forse in 1772, in the Wemyss Charter-chest.

Earl of Sutherland in 1275, on the ground that Elizabeth, Countess of Sutherland in 1514, was so in her own right, which right was never challenged by any of the heirs-male then existing, and that there was no creation of Adam Gordon, her husband, as Earl of Sutherland.[1]

Mr. Wemyss of Wemyss, on his own and his wife's behalf, and on behalf of their children, was also a petitioner in the case, and the victory was therefore also a triumph for him. The tutors of the countess intrusted the conduct of the case to the ablest counsel in Scotland. Mr. James Burnett, afterwards Lord Monboddo, wrote the memorial for Lady Elizabeth and her guardians, and it was revised by Lords Auchinleck and Hailes and Sir Adam Ferguson. To Lord Hailes was given the task of writing the Additional Case, disposing of the arguments of Sir Robert Gordon, and so great was the interest excited in the case that although one thousand copies were printed and distributed, the demand for it was not satisfied.[2] The victory was attributed to the labours of Lord Hailes, and a presentation was made to him, as a memento of the event, of a piece of plate which cost £227.[3] The judgment was the cause of great rejoicings on the Wemyss estates in Fife, intimation of which was conveyed to Mr. Wemyss by his chamberlain in the following paragraph of one of his letters :—

> Yesterday the news of the Countess of Sutherland's victory over Adam's male line and some gencrations before them, was brought over by James Junkieson, and diffused a general joy alongst the coast. Lofty pyramids of fire and smoack proclaimed it to the skys at night; and when Night herself had waxen old, past away and ushered her eldest son, the Morn, into our hemisphere. That Gladness might not cry, she was murdered from want of time to be merry. The indulgent youth continued with the stoutest and best-hearted of the chosen bands till his father, Sol, sprung from Thetis'

[1] Judgment of the House of Lords.

[2] Vol. iii. of this work, pp. 228-242. Also correspondence in Wemyss Charter-chest. Some of the copies of the Additional Case were lost on their way to London by the wreck of the vessel in which they were being conveyed.

[3] Letters in Wemyss Charter-chest.

arms with brilliant rays to conduct safe home all who had been rejoyceing for the justice done to the straight line of Sutherlands noble and antient race.[1]

Mr. Wemyss of Wemyss was induced to enter Parliament in 1762, and began his political career as member for the county of Fife in that year in succession to General St. Clair, who had just died. For his election he had the good wishes of the Earl of Bute, then Premier, and Sir Henry Erskine. His parliamentary duties required his residence in London, his house there being at 8 Charles Street, St. James' Square. Occasionally when at home he received peremptory summonses to be in his place in the House of Commons, one such coming to him in February 1764 through Andrew Fletcher, Lord Milton. Writing from Edinburgh, Lord Milton states that he had received the following by express from the Lord Privy Seal :—

Burlington Street, 20th February 1764,
3 o'clock P.M.

As the minority has been so strong in some late questions concerning the Secretary of State's warrant, they purpose, in order to support the spirit of the party, and to keep them together, to make from time to time a number of popular inflamatory motions to swell the cry of liberty which has availed them so much already; upon that account, therefore, the king's servants are extremely desirous that all the friends to Government should attend, and in consequence of that I send this by express that you may acquaint Lord Panmure, Mr. Wemyss, and Sir James Carnegie that their immediate attendance is earnestly desired by their friends here.[2]

Mr. Wemyss continued member for Fifeshire until the dissolution of the Parliament in February 1768. During this period he made an effort to recover for the family the office of Vice-Admiral of Scotland, which had been held by his grandfather, David, third Earl of Wemyss, and obtained the good offices of the Duke of Queensberry with the Government. But he had been forestalled, the duke replied, by two Scottish earls, one of whom was certain to get it when the vacancy

[1] Letter by James Wilson, dated Kirkland, 26th March 1771, in Wemyss Charter-chest.

[2] Letter from Lord Milton, dated 24th February 1764, *ibid.*

happened.[1] A year or two later, on the death of Lord Rothes throwing vacant the office of Chamberlain of Fife, the Duke of Queensberry and Lord March made an effort to get it for Mr. Wemyss, but it had already been bestowed upon Mr. John Craufurd, son of Mr. Patrick Craufurd.[2] In another matter, however, in which he secured the services of the Hon. George Grenville, Mr. Wemyss was more successful. This was the gift of the escheat of his mother's terce, which the premier requested and obtained for him from King George the Third.[3]

A considerable time before the new elections came on a strong party was made in Fife in favour of Colonel Scott as the new member for the county. As Mr. Wemyss had disappointed the administration in some way or other at the close of a recent session, they withheld their support from his candidature, so that the election went in favour of his opponent. Mr. Wemyss, however, on account of his near connection with Sutherland, was induced to stand for that county, and was duly chosen its representative in Parliament.[4] On the death of Colonel, then General Scott, in 1775, Mr. Wemyss was once more offered the seat for Fife, but preferred to sit for Sutherlandshire, which he did until his death, having been re-elected in 1774 and in 1780. The Duke of Queensberry, in conjunction with the Earl of March and Ruglen, made some further efforts with Lord North to obtain either a pension or some political post for Mr. Wemyss, and his lordship interested himself so far as to apply to the Secretary of State in his favour for the place of Mr. Scott, if it fell vacant, but neither it nor the post held by Mr Middleton was conferred.[5]

Like his predecessors, Mr Wemyss did much to improve his coal and salt works. For the former he built an engine and engine-house

[1] Letter, Duke of Queensberry, dated London, 15th June 1764, in Wemyss Charter-chest.

[2] Letter, Duke of Queensberry, 17th December 1767, *ibid.*

[3] Letter, Hon. George Grenville, dated Downing Street, 30th March 1765, *ibid.*

[4] Vol. iii. of this work, pp. 215, 224.

[5] Letters, in Wemyss Charter-chest.

in West Wemyss, in order to do which he had to buy up a number of tenements, many of which had fallen into a ruinous condition.[1] A difference between him and Colonel St. Clair of St. Clair respecting the march between Wemyss Moss and Oars Mill Moss was settled amicably by the arbitration of Mr. Claud Boswell of Balmuto. The march was determined as extending in a straight line from the north end of the dyke between Wemyss and Dysart Muir over to that point on the other side of the moss called Thornycrook.[2] In 1771 Wemyss Castle had a narrow escape from being destroyed by fire through the ignition of an oak joist under one of the hearths; but being discovered in time, the fire was extinguished with but little damage.[3]

Mr. Wemyss in 1766 also built a house for himself in Edinburgh, at a cost of £550, probably in St. John Street, in the Canongate, as he and the other members of his family are usually mentioned as staying there when in Edinburgh.[4] His elder brother had also a house there. Mr. Wemyss Charteris bought, in 1775, a house which had belonged to Sir Adam Ferguson, and desired the good offices of his brother to procure him immediate entry, as the house was much damaged by the weather, and required instant attention.[5] Mr. Wemyss and his family when in Edinburgh attended divine service in the Tron Church, where they had sittings. The early education of his sons was intrusted to Mr. Luke Fraser, of the Edinburgh High School, who took a deep interest in his charge, and frequently corresponded with Mr. Wemyss about the boys.[6]

The Hon. James Wemyss of Wemyss died at Edinburgh on 10th

[1] Papers, in Wemyss Charter-chest.

[2] Arbiter's award, 20th September 1774, *ibid.*

[3] Letter, Henry Miller, Kirkcaldy, to Lady Elizabeth Wemyss, 31st January 1771, *ibid.*

[4] Letters of David Anderson, agent for Mr. Wemyss, in 1766 and 1767, showing payments to Mr. Paterson the builder, *ibid.*

[5] Letter, Mr. Francis Charteris, 7th February 1775, *ibid.*

[6] Letter, *ibid.*: cf. vol. iii. of this work, pp. 242, 243.

May 1786, in the sixty-first year of his age. He was survived by his wife, Lady Elizabeth Sutherland, for nearly seventeen years. By an arrangement with her son, Colonel, afterwards General William Wemyss of Wemyss, the rents of her terce lands were commuted into a payment of an annuity of £1000 sterling. This was more than was originally provided in her contract of marriage, but the value of her conjunct-fee lands had risen, and to this she was held entitled. She obtained, in 1786, from her brother-in-law, Mr. Charteris, who had now become Earl of Wemyss, a liferent charter of his house in St. John Street, Edinburgh, and she seems to have had two houses there. She principally resided out of town, renting for some years the house and grounds of Ravelrig, in Midlothian, and afterwards the house and grounds of Drummore, in the county of Haddington.[1] She died at Edinburgh on 24th January 1803, and was buried in the chapel royal of Holyrood House on Thursday the 27th of the same month, at two P.M., close to her brother, the Earl of Sutherland.[2] By her Mr. James Wemyss had eight children, six sons and two daughters :—

1. James, who was born at Wemyss House on 8th October 1758. He died at the same place on 16th November 1770 from an illness left by the measles.[3] Janet, Countess of Wemyss, on this occasion wrote to her son James expressing her deep sympathy and regret, and that she had assumed mournings "suitable to the loss off the apparent heir of the familly."[4]
2. William, who succeeded his father, and of whom a memoir follows.
3. David, who was born at Wemyss House on 29th March 1761. He was educated at the High School of Edinburgh, under Mr. Luke Fraser, who, in a letter to his father, remarked that

[1] Accounts and papers in Wemyss Charter-chest.

[2] Register of the Burials at Holyrood.

[3] Scots Magazine, vol. xx. p. 500; xxxii. p. 684; also correspondence in Wemyss Charter-chest.

[4] Vol. iii. of this work, pp. 227, 228.

he was "blessed with a very good temper; always chearful and happy."[1] In 1778 he went to India under the charge of Colonel, afterwards General, Sir Hector Munro, and lived in family with him at Madras. He appears to have taken part in the expedition under Colonel Baillie against Hyder Ali, in September 1780, which ended disastrously for the British, and David Wemyss was carried off among the captives. He languished as a prisoner under Hyder Ali and his successor, Tippoo Sultan, until 1783, when his release was effected. But he did not long survive the dreadful miseries of such a captivity, dying at Madura, in India, before July 1784.[2] He was unmarried.

4. Francis, who was born at Wemyss House on 1st April 1767. He was educated at Edinburgh, and afterwards at the Scots College of Douay.[3] On 22d January 1783 he received a commission as cornet in the 3d or Queen's Own Regiment of Light Dragoons, and in which he was promoted to be lieutenant on 12th January 1785. Being appointed to the command of a company of foot in the 16th Regiment in 1792, he proceeded to Kingston in Jamaica to join it, and died there on 4th January in the following year. He was unmarried.

5. Charles, who was born at Wemyss House on 2d June 1768, and named after Charles, third Duke of Queensberry.[4] He chose the navy as his profession, and was placed under the care of Sir Charles Douglas, commander of H.M.S. "Duke," who, in a letter to Mr. Wemyss regarding a serious illness which over-

[1] Letter, Mr. Luke Fraser to Mr. Wemyss of Wemyss, 29th May 1774, in Wemyss Charter-chest.

[2] Letter, William Wemyss to his father, James Wemyss of Wemyss, 19th July 1784, *ibid.*

[3] Vol. iii. of this work, pp. 251, 252.

[4] Letter, Duke of Queensberry to Mr. Wemyss of Wemyss, thanking him for the honour of "naming your new-born son after me." 18th June 1768, in Wemyss Charter-chest.

took his son in 1780, refers to him as his "dear shipmate."[1] He was then and afterwards studying at Deptford, and having been transferred to the "Royal George," under the command of another old friend of his father's, Admiral Kempenfelt,[2] was on board that vessel off Spithead when she foundered on 29th August 1782. He was one of the few who were saved, and wrote to his father an interesting account of how his rescue was effected.[3] In the following year he served on board H.M.S. "Augusta," in which he accompanied the Prince of Wales to Germany.[4] He received a commission as lieutenant on 22d November 1790, was promoted to be captain on 19th March 1795, and obtained the command of the frigate H.M.S. "Prevoyante" on the Halifax and other foreign stations, where he was esteemed an active and zealous officer. He afterwards held the command of H.M.S. "Unicorn." He died at London on 5th June 1802, unmarried.

6. James, who was born at Wemyss Castle on 4th May 1778, and being the first son born after the death of their eldest son, Mr. Wemyss and Lady Betty gave him the same name. He entered the Bengal Civil Service in 1796, and was appointed interpreter and private secretary to Lord Viscount Lake, when commander-in-chief in Bengal. He obtained the honorary degree of LL.D. He married, on 6th September 1805, Miss Caroline Charlotte, fifth daughter of the Rev. Henry Binfield, M.A., Vicar of Albrighton, Salop, and died on 22d August 1849. Mrs. Wemyss died on 30th January 1863. They had, with other issue, three sons and four daughters.

[1] Letter, dated 22d May 1780, in Wemyss Charter-chest. Sir Charles and Mr. Wemyss had been shipmates in former days.

[2] Vol. iii. of this work, p. 249.

[3] *Ibid.* pp. 250, 251.

[4] *Ibid.* pp. 253, 254.

(1) James Wemyss, born 11th January 1807. He became a major in the Bengal army. He was twice married, his second wife being Helen, daughter of James Reily, by whom he had, with other issue, a son and two daughters. He died on 27th June 1865. His children are:—

[1] Binfield Wemyss, who was born on 10th March 1844. He became a captain in the 41st regiment B.N.I. He married, on 25th November 1876, Mildred, daughter of Henry Unwin of the Bengal Civil Service. They have issue—

(1) Hubert Gordon Wemyss, born 12th August 1878.

[2] Mary Wemyss, who married, on 27th January 1870, Major Thomas James Quin of the Bengal Staff Corps, cantonment mag., Allahabad. They have issue.

[3] Elizabeth Helen Wemyss, who married, on 3d December 1867, Major Gray Townsend Skipwith of the Royal Engineers. She died on 27th December 1878. They had three sons and a daughter.

(2) William Binfield Wemyss, who was born on 15th November 1811. He was an officer in the Bengal cavalry, and became a general in the army. He married, on 24th March 1832, Martha Rose Diana, eldest daughter of Lieutenant-General Samuel Smith of the Bengal cavalry, and by her, who died on 23d October 1876, had, with other issue, one son and three daughters—

[1] James Wemyss, who entered the army, and was a lieutenant in the 93d regiment of Highlanders. He died unmarried, on 15th June 1855.

[2] Mary Harriet Wemyss.

[3] Caroline Binfield Wemyss.

[4] Catherine Jane Wemyss, who married, on 9th October 1873, Captain William Barrington Browne of the 46th Regiment.

(3) Francis Wemyss, who was born on 18th November 1814; became a lieutenant-colonel in the Bengal Engineers. He married, in 1848, Selina, daughter of George Pye of Beconion, Cornwall, and has issue—

Selina Elizabeth Pye Wemyss, who married, on 25th October 1879, Henry Whatley Estridge, late of the 46th Regiment.

(4) Caroline Charlotte Wemyss, who married Major-General Charles Campbell of Kinloch in Perthshire, and had issue, two daughters. She died on 23d August 1841.

(5) Mary Wemyss, who married, on 14th May 1838, Lieutenant-Colonel Charles Frederick Havelock, only brother of Sir Henry Havelock, Baronet. He died on 14th May 1868. They had issue, a son and three daughters.

(6) Elizabeth Huntly Wemyss, who married, in 1846, Sir William Muir, K.C.S.I., LL.D., etc., Lieutenant-Governor of the North-West Provinces of India from 1868-1874; appointed member of the Indian Council in 1876; and Principal of the University of Edinburgh in 1884. They have issue.

(7) Katherine Harriette Wemyss, who married, on 20th February 1845, as his first wife, Octavius Henry St. George Anson, nephew of Thomas, First Viscount Anson, major in the 9th Lancers. She died on 17th May 1849, leaving issue, a son and daughter.

The two daughters of the Hon. James Wemyss and Lady Elizabeth Sutherland were—

1. Elizabeth Margaret Wemyss, who was born at Wemyss House on 11th December 1769. She married, at Drummore, the residence of her mother, on 16th August 1793, Alexander Brodie of Arnhall and the Burn, in the county of Kincardine, M.P. for Elgin. Mrs. Brodie died at Chepstow in Monmouthshire, on 19th July 1800, and was buried at the parish church of Wemyss. She left an only daughter—

   Elizabeth Brodie, born in London on 20th June 1794. She married, on 11th December 1813, George, Marquis of Huntly, afterwards fifth Duke of Gordon, but they had no issue. She was left a widow in 1836, and died on 31st January 1864. Of her Grace, a memoir was published by the Rev. Dr. A. Moody Stuart in 1865.

2. Catherine Wemyss, who was born at Wemyss Castle on 8th July 1785. She was a legatee under the will of her aunt, Lady Helen Dalrymple, in 1812, and appears to have died unmarried.

XXI.—General William Wemyss of Wemyss.
Frances Erskine (of Torrie), his Wife.
1786—1822.

William, the second, but eldest surviving son of the Hon. James Wemyss of Wemyss and Lady Elizabeth Sutherland, was born at Wemyss Castle on 9th April 1760. He was educated at the High School of Edinburgh, under the special charge of Mr. Luke Fraser,[1] under whose care also he attended the University of Edinburgh for a time. But while pursuing his studies, his health failed, and in March 1776 he was taken for a change by his parents to Bristol, where he so far recovered that when they returned home in the end of the following month, they left him at Oxford to pursue his studies. He became a gentleman commoner of Christchurch College, then under the direction of Dr. Bagot, and continued there until October 1777, when he joined the army, his father having, in the previous June, purchased for him a commission as ensign in the Coldstream regiment of Foot Guards. His commission is dated 25th June 1777, and cost £900 sterling, that being the price of an ensigncy in the Guards, as fixed by King George the Third. The young officer was recommended for the post by Lord Waldegrave.[2]

[1] Mr. Fraser was a well-known master of the High School of Edinburgh, and numbered among his pupils Lord Brougham, Lord Jeffrey, Lord Cockburn, and Sir Walter Scott. Lord Cockburn tells in his Memorials how Brougham on one occasion "dared to differ from Fraser, a hot but good-natured old fellow, on some small bit of latinity. The master, like other men in power, maintained his own infallibility, punished the rebel, and flattered himself that the affair was over. But Brougham reappeared next day, loaded with books, returned to the charge before the whole class, and compelled honest Luke to acknowledge that he had been wrong. This made Brougham famous throughout the whole school," and he was generally pointed out as "the fellow who had beat the master." [Memorials of his Time, by Henry, Lord Cockburn, p. 10.]

[2] Original letter, Messrs. Ross & Gray, London, to David Anderson, W.S., Edinburgh, 17th June 1777, in Wemyss Charter-chest.

He took so heartily to a military life that only a year later he was longing for active service in order to obtain promotion. In a letter to his father he says, "I hope we shall have to go abroad. . . . I have only three under me in the regiment as yet, but if we are order'd abroad, I shall be lieutenant in a short time, for there are a few old gouty sticks that I think will scarcely be able to go with us."[1] Nor was he without regimental enthusiasm, for in a postscript to another of his letters, he says—"Be so good to direct to me of the Coldstream at St. James's Coffee House, as the house I am in has no number on the door. As it is stuck up at the bar it will affront us if you call us 2d, for we think we are 2d to none."[2]

Promotion soon came, but not in the way expected. Proposals were being made about this time to resuscitate the regiment of Sutherland Fencibles. In consequence of the near connection of the family of Wemyss of Wemyss with the house of Sutherland, the commission to raise the regiment was given to Mr. Wemyss, younger of Wemyss, and he was elevated to the rank of colonel. But prior to this he seems to have held the rank of captain, as in a letter of congratulation, Mr. Luke Fraser refers to "the captain's promotion to the rank of colonel, and his intention to raise a regiment."[3]

The Sutherland Fencibles were originally embodied in 1759 by William, seventeenth Earl of Sutherland, and continued under arms for four years until the peace of 1763, when the regiment was disbanded. The proposal to resuscitate this regiment was made by Mr. Wemyss of Wemyss to the tutors of the young Countess of Sutherland in the close of 1777, after the declaration of Independence by the United States of America. In answer to a letter on the subject from her uncle, Mr. Wemyss, she says, "I have no objection to raising a Sutherland regiment, am only sorry I cannot command it myself; as that cannot be,

[1] Original letter, William Wemyss to his father, 1st July 1778, in Wemyss Charter-chest.

[2] Original letter, 5th August 1778, *ibid.*

[3] Original letter, 10th February 1779, *ibid.*

General Mackay is the best of any I know to supply my place."[1] But while there appears to have been but one opinion in reference to the raising of the men, there was not the same unanimity in regard to the command. The law-agent of the family in Edinburgh, Mr. Alexander Mackenzie, no sooner heard of the young countess's proposal to place the regiment under the charge of General Mackay than he called on her at George Square, where she lived with her grandmother, Lady Alva, and after stating his views to them, wrote at their "earnest request" to Mr. Wemyss of Wemyss. "If," he says, "General Mackay is commanding officer of the Sutherland regiment, I am perfectly persuaded that it will give such *éclat* in the eyes of Administration and the whole country as will weaken and hurt the political influence of the Sutherland family more than you may possibly believe at present. I consider the Mackay family to be the natural inveterate rivals of the Sutherland family, who have watcht every opportunity to weaken or humble the Sutherland family. And allowing the Mackays the lead in so important a matter as this, must undoubtedly be attended with dangerous consequences to the Sutherland family interest at this critical period." Mr. Mackenzie then proceeds to suggest that Mr. Wemyss himself, as the nearest relative of the family and the parliamentary representative of the county, should obtain the command of such a regiment, and that any other arrangement was neither necessary nor proper, and would be degrading to the Sutherland family, and Mr. Wemyss personally.[2]

A similar suggestion had already been made by Lord Hailes, one of the tutors to the young Countess of Sutherland, in his reply to a letter on the subject by Mr. Wemyss. In the previous regiment there had been seven companies of Sutherland men and three of the Mackays. But Lord Hailes thought it would be much better

[1] Original letter, 29th December 1777, in Wemyss Charter-chest.
[2] Original letter, 31st December 1777, *ibid.*

if these were separated, and General Mackay left to make up his regiment from his own friends in Strathnaver and Ross-shire. For Mr. Wemyss's encouragement he recalls the fact that King William the Third, who, he adds, "was certainly as great a politician and probably as good an officer as any who have come after him, made no scruple of naming colonels at once of men who could raise regiments."[1]

While negotiations were pending the Sutherland men were held in expectation of the formation of the regiment, and prevented as far as possible from enlisting elsewhere. Mr. Wemyss of Wemyss, being more acquainted with naval than with military warfare, arranged for the command of the regiment being placed in the hands of his eldest son, and in the beginning of 1779 the regiment of Sutherland Fencibles was restored, 1000 strong, with Mr. Wemyss, younger of Wemyss, as its colonel. His commission was dated 8th February of that year.

The regiment was raised in February 1779 at Fort George. In the following May they were ordered to march southwards, and were stationed at various places in the kingdom until 1783, when they were again disbanded during the month of April, at Dundee and Fort George. Through some misunderstanding the commission held by the colonel in the army at the time of his receiving the command of the Sutherland Fencibles, was allowed to lapse; but after some correspondence and negotiation with the war office, he was offered by General Conway the rank he would have held had he remained in the Guards, that of brevet-captain, with his commission dating from 13th February 1781. He accepted this, although he thought such treatment "shabby."[2]

Immediately after he had disbanded his regiment Colonel Wemyss, as he continued to be styled, took a trip to the Continent, and made á stay in France and Switzerland for more than a year. He first went

[1] Original letter, 27th December 1777, in Wemyss Charter-chest.

[2] Original letter to his father, 19th June 1783, *ibid*

to Douay, where his brother Francis was finishing his education, and after a residence of several months there, visited Lisle, Rheims, Dijon, and Lyons, whence he went to Switzerland in August 1784. During his sojourn on the Continent his father several times wrote desiring him to return, and on one occasion suggested that he should either enter Parliament or marry. He replied that he was not ready for either, and as to a particular lady named by his father, he says, "I have not the smallest objection to her, but I don't like to ask favours for fear of a refusal." He desires a little more time to master the French language and manners, which he begins to like very much.[1]

On his return to Scotland in 1784, Colonel Wemyss was chosen member of Parliament for the county of Sutherland at the general election in that year. He sat in Parliament for that county until 1787, when, on the death of Lieutenant-General Robert Skene, the member for Fife, he vacated his seat for Sutherland in order to sit for his native county. He was opposed by Sir John Henderson of Fordell, but was elected by a great majority on 6th July of that year. The unsuccessful candidate protested against the election of Colonel Wemyss on account of his holding an office which had been created since the Union, that of Deputy-Adjutant-General for Scotland, but it was not effective.[2] Colonel Wemyss was re-elected representative for Fife at the General Elections of 1790 and 1807.

His father died in 1786, and on the 15th June of that year Colonel Wemyss was served heir-general to him, and on 9th December following, heir-male of taillie and provision in his lands in the counties of Fife and Perth.[3] On 16th September 1788 he married at Edinburgh, Frances Erskine, eldest daughter of Sir William Erskine of Torrie, Baronet. He was the grandson of the first Erskine of Torrie, the

[1] Original letter, dated Rheims, 14th February 1784, in Wemyss Charter-chest.

[2] Scots Magazine, vol. xlix. p. 364.

[3] Index to Services of heirs, vol. ii. 1780-1789, p. 48.

Hon. Colonel William Erskine, deputy-governor of Blackness Castle, who was the second son of David, second Lord Cardross, a grandson of John, second Earl of Mar, of the house of Erskine, and Lord High Treasurer of Scotland. Frances, Lady Erskine, the mother of the young lady, was well pleased with the proposed match, and expressed this to Lady Elizabeth, the mother of the colonel. She says:—

Torrie House, 10th August 1788.

MY DEAR MADAM,—Yesterday I had the pleasure to receive a letter from your son, the colonel, the subject of which was wishing my consent to marry my daughter, which your ladyship will easily believe I very readily granted. With much truth I say that nothing can give greater joy to me and all this family than that event taking place. I am highly sensible how lucky she has been in being the choise of a man of so much merit, and in her connection with so respectable a family; and I hope she will deserve in every future situation in life the good opinion your ladyship has ever honour'd her with.—And I ever remain, my dear madam, your much oblig'd and most obedient humble servant, FRA. ERSKINE.[1]

In November 1786 Colonel Wemyss was appointed Deputy-Adjutant-General of the Forces in Scotland, with the rank of major in the army.[2] In 1791 the office was confirmed to him, and his rank raised to that of lieutenant-colonel in the army.[3] Another office held by him was that of Deputy-Admiral of the Forth from Kinghorn to the Isle of May.[4] On the outbreak of the war with France in 1793, the regiment of Sutherland Fencibles was once more embodied under the command of Lieutenant-Colonel Wemyss. It mustered on this occasion 1084 strong, and on 1st May 1793 he was appointed colonel, with the same rank in the army by commission dated 25th August 1795. After the outbreak of the Irish rebellion in 1798, the Sutherland Fencibles offered their services to the Government to assist in suppressing it. These were accepted, and Colonel Wemyss, in June 1798, was promoted to the rank of major-general. He fought with the Irish rebels at Drogheda, and also inflicted a severe defeat

[1] Original letter in Wemyss Charter-chest.
[2] Scots Magazine, vol. xlviii. p. 572.
[3] Scots Magazine, vol. liii. p. 519.
[4] Commission dated 17th May 1788.

upon them near Ardee, on 14th July of that year, and for his services was placed upon the Irish Staff in the following month. In the end of the year the regiment returned home and was disbanded.

The authorities, however, deemed it inadvisable to lose the services of such an excellent regiment as the Sutherland Fencibles proved themselves, and resolved to retain the services of the men on the regular army footing. Accordingly, in the following March (1799), Major-General Wemyss of Wemyss was authorised to raise the regiment, which has since been known as the 93d Sutherland Highlanders. The recruiting was confined to the northern counties of Scotland, and was practically effected by a species of conscription. A census of the Sutherland tenantry was taken, and the Countess, by her agents, made it known that it was expected that each family would send a due proportion of its able-bodied sons towards the completion of the strength of the regiment, both as a token of their loyalty to the Crown and of fidelity to their chief. The regiment was fully embodied within a few months, its strength being 630 men, of which 34 were sergeants; 460 of the men being from the Sutherland estates alone, and the remainder from Ross and neighbouring counties. In October 1800 it was gazetted as the 93d Regiment of Foot, having previously been known as Major-General Wemyss' Regiment. On 25th August of that year he had been appointed colonel of the regiment, and he held that position until his death.

Notwithstanding the incorporation of the Sutherland regiment into the army, after some two years' service in Guernsey and elsewhere, orders were issued for its being disbanded. It returned to Scotland for this purpose, but only a few men had been dismissed at Kirkcaldy when these orders were countermanded, and the regiment retained in the army. It first proceeded to Ireland, afterwards to Jamaica and New Orleans. But it was not accompanied by the colonel, who having been appointed, on 14th May 1803, major-general on the

North British Staff, and later, on 3d November 1805, lieutenant-general, remained at headquarters as a general officer.[1]

General Wemyss, during his lifetime, contributed much to the amenity of the estate of Wemyss by planting a considerable number of trees. He also made an effort in 1815 to induce the Government to advance a loan of £5000, or a partial grant of money, towards the repair or improvement of Methil harbour. It had been built, he pointed out, above a hundred years previously by private enterprise, and had been freely used by the public during that time; and while the Wemyss family derived no revenue from the use of the harbour, their only benefit being the convenience afforded for their own trade, the Government drew large custom-dues from the port, £8000 to £10,000 yearly from salt alone.[2] The application, however, was ineffectual.

After the death of Mrs. Wemyss, the General, on 3d December 1808, made a settlement of his affairs and provision for his children. He disponed to James Wemyss, his eldest son, and the heirs-male of his body, whom failing, to William, Francis, and Charles, his second, third, and fourth sons successively, and the heirs-male of their bodies, whom all failing, to the other heirs appointed to succeed him in the estate of Wemyss, all his lands, houses, heritable bonds, and other heritable estate; and he appointed his sons in their order his sole executors. He provided £4000 to each of his younger sons, and the same amount to Frances, his only daughter. He nominated the Earl of Wemyss, his own brother, James Wemyss of the East India Company, Alexander Brodie of Arnhall, Sir William Erskine of Torrie, Baronet, Major-General James Erskine, his brother, John Erskine, of the East India Company, and Francis Anderson, W.S., to be tutors and curators to his children during their pupillarities and minorities.

General William Wemyss of Wemyss died on 4th February 1822,

[1] Historical Records of 93d Sutherland Highlanders, by Captain R. H. Burgoyne, pp. xi, xii, 1-16.

[2] Original Letter in Wemyss Charter-Chest.

at Wemyss Castle, where there is a full-length portrait of him, painted by Sir Henry Raeburn. As previously stated, he married Miss Frances Erskine, who predeceased him on 1st February 1798. They had issue four sons and one daughter:—

1. Admiral James Erskine Wemyss of Wemyss and Torrie, of whom a memoir follows.
2. General William Wemyss, who was born at Wemyss Castle on 5th September 1790. He entered the army and had his first commission in the regiment of Sutherland Highlanders, raised by his father. On the formation of a second battalion of that regiment in 1813, he was elevated to the rank of major in it, by commission dated 27th May of that year. Previous to this he had served as aide-de-camp to Sir William Erskine on the Walcheren expedition in 1809, and had also served in the ensuing Peninsular campaign, taking part in the actions of Sobral, Pombal, Redinha, Miranda de Corvo, Foz d'Aronce and Sabugal, and in the battle of Fuentes d'Onor, for which he received the silver medal with clasp, the surprise of the French at Arroyo de Molino, and the storming of Ponte d'Almaraz under Lord Hill. He was promoted to the rank of lieutenant-colonel on 16th March 1815, became major-general on 23d November 1841, was appointed colonel of the 93d Sutherland Highlanders on 10th April 1850, and raised to the rank of lieutenant-general on 11th November 1851. He was held in high esteem by Her Majesty Queen Victoria, and the Prince Consort, the former appointing him one of her equerries, and the latter appointing him his clerk-marshal, with the management and control of the extensive equestrian and agricultural establishments of His Royal Highness. During his last illness they both called to inquire for him. He died on 30th November 1852

at his residence, Cumberland Lodge, in Windsor Great Park, and was buried at Wimbledon, near Kingston.

He married, on 14th April 1820, Lady Isabella Hay, daughter of William, sixteenth Earl of Errol, and sister of Lady Emma Hay, the wife of his elder brother, Admiral Wemyss. She survived General Wemyss till 28th July 1868. They had issue two sons and one daughter :—

(1) Captain James Henry Wemyss. He entered the 93d Sutherland Highlanders on 13th May 1842 as an ensign, became lieutenant 3d April 1846, exchanged to the 32d regiment, and attained to the rank of captain. He died in June 1857, unmarried.

(2) Captain Charles Thomas Wemyss, who also entered the army, and passing into the Turkish service, rose to the rank of major. He died in 1883, unmarried.

(3) Isabella Harriet Jane Wemyss, who married Count Reventlow Criminil. Issue, one son and two daughters.

3. Francis, who was born on 21st September 1791, entered the Royal Navy, and rose to the rank of lieutenant. He died unmarried.
4. Charles, who was born on 23d May 1796, and also entered the Royal Navy. He died unmarried.
5. Frances, who was born on 16th September 1794. She married, on 10th October 1826, General James Alexander St. Clair, third Earl of Rosslyn. She died on 30th September 1858, having had issue two sons and one daughter. The surviving son is the present Francis, fourth Earl of Rosslyn.

XXII.—Admiral James Erskine Wemyss of Wemyss and Torrie.

Lady Emma Hutchinson Hay (Errol), his wife.

1822—1854.

Admiral James Erskine Wemyss of Wemyss and Torrie was the eldest son of General William Wemyss of Wemyss and his wife, Frances Erskine. He was born on 9th July 1789. He entered the Royal Navy in 1801, when only twelve years of age, serving as a volunteer on board the "Unicorn," 32 guns, under the command of Captain Charles Wemyss, and cruising about in the English Channel. For a portion of his time with Captain Wemyss, which was about a year, he acted as midshipman. In 1802 he joined the "Tonnant," a vessel of 80 guns, under Sir Edward Pellew, and took part in the blockade by that gallant officer of a French squadron in the harbour of Corunna, in Spain. He sailed again with Sir Edward Pellew in 1804, in the "Culloden," a seventy-four gun ship, for the East Indies.

Shortly after their arrival the young officer was lent to the "Victor," a sloop of war commanded by Captain George Bell. Mr. Wemyss was acting lieutenant on this vessel when a very sanguinary engagement took place. She was returning from an engagement in Batavia Road to Prince of Wales' Island, when, on 15th April 1807, off Cheribon, she fell in with three Malay prows under Dutch colours, which she detained with the armed boats, and brought alongside. The crews of two of them, a hundred and twenty men, were taken on board the "Victor," and placed under a guard, while the prows were being examined. In the third, however, the men showed resistance, and she was fired into. They returned this fire by throwing spears

and firing pistols. During the action some sparks alighted on a quantity of powder which had been taken from the prows and placed on the deck of the "Victor." An explosion followed, and blew up the afterpart of the ship. The guard ran to extinguish the flames, whereupon the prisoners instantly seized their arms and made an onslaught on the crew. The prows were immediately cut adrift, and the seamen of the "Victor," under the direction of their officers proceeded, with admirable order and coolness, one part to extinguish the fire, and the rest to defend themselves against the attack. After one half-hour's dreadful struggle, for the Malays fought desperately and would accept no quarter, eighty of the latter lay dead on the deck, and the rest were driven overboard. Of the "Victor's" crew the first lieutenant and five men were killed, and the captain and twenty-five men were wounded, of whom nine afterwards died.[1]

Mr. Wemyss rejoined Sir Edward Pellew about July 1808 and was commissioned as his flag lieutenant on 14th August of that year. They left India in the "Culloden" in February 1809 as convoy to a fleet of Indiamen, and after encountering a terrific hurricane off the Isle of France, reached England safely.[2] In 1810 he again took service under Sir Edward in the "Christian VII.," a warship of 80 guns, and was stationed in the North Sea. In the following year, when the same commander was despatched to the Mediterranean in the "Caledonia," Mr. Wemyss once more sailed with him, and so he continued until on 12th April 1812, having been advanced to the rank of commander on 1st February preceding, he assumed the command of the "Pylades," a vessel of 18 guns. On 5th October 1813 he assisted in silencing the fire of several batteries at Port d'Anzo, where a convoy of twenty-nine vessels fell into the hands of the British. He took an active share in the naval operations against Genoa, and when it fell into the hands of the British in April 1814, he received the public thanks of Captain

[1] Life of Admiral Viscount Exmouth, by Edward Osler, pp. 239, 240. [2] *Ibid.* p. 259.

Josias Rowley of the "America" for his ready assistance on that occasion. On the 25th of the same month he was nominated acting captain of the "Rainbow," 26 guns, which ship he brought home from the Mediterranean, and paid off in the following December. His commission as post-captain was dated 1st July 1814.[1]

This terminated the active career of Mr. Wemyss as a naval officer. He now retired from the service on half-pay, but continued to hold his rank, which was advanced on 21st June 1850 to rear-admiral. He was thus for nearly fourteen years on active service, during most of which he was closely associated with Sir Edward Pellew, who, for his gallant services to his country, was afterwards created Viscount Exmouth. The latter died in 1833, and so great was the affection of Mr. Wemyss for his old commander, that he named his second son Edward Pellew, after him, though he was only born in 1834, twenty years after Captain Wemyss had retired. This young name-son, however, did not survive the period of boyhood.

Shortly after the termination of his naval career Captain Wemyss entered upon one of a political nature, which was occasionally no less exciting. His shrewdness of character, and the influential position of the family in the county of Fife, recommended him to the suffrages of the Fifeshire voters in 1820, when he was first chosen their parliamentary representative. He continued to hold the seat until 1830. But having given his vote in favour of the Reform Bill, he was rejected by the old constituency.

At the first election, however, under the enlarged franchise in 1832 he was restored to his seat in the legislative chamber unopposed. In 1835 he was opposed by Colonel Lindsay of Balcarres, but defeated him by a majority of two to one. Two years later, the Hon. James Bruce, afterwards Earl of Elgin, attempted in the Conservative interest to unseat Captain Wemyss, only to sustain a more crushing defeat

[1] O'Byrne's Naval Dictionary, 1849, p. 1268.

than Colonel Lindsay had received. At the general election of 1841 there was no opposition made to his return, and he retained his seat until 1847, when Parliament was dissolved, and he did not again seek re-election.

His political contests, both preceding and succeeding the first Reform Bill, attracted wide attention at each periodical election: and even now, at a long interval of time, they are still memorable in the county of Fife. Among the many public tributes paid to the memory of the gallant admiral, one may be referred to :—

"In his own way," that notice says, "both as to canvassing and oratory, he was a very effective electioneer; his humour and blandness and eccentricity helping him out of many little difficulties from which he could scarcely have escaped by almost any amount of dexterity of the ordinary kind. Generations will pass before the many droll stories extant in Fife, and in London too, about the electioneering feats of the captain will be forgotten. His rough and ready, but especially rough, addresses from the hustings at Cupar, and the inn windows of Kirkcaldy; his annihilating retorts upon Tories who taunted him with having in the days of his youth and ignorance been one of themselves; and the style in which he overwhelmed pertinacious Radicals desiring an extension of the suffrage—a project towards which the captain, avowedly for personal reasons, made no secret of having a special aversion. It would be a great mistake, however, to conclude that he brought nothing but enlivenment to the political cause he espoused. His natural shrewdness, the personal popularity he so long enjoyed, and his influential position enabled him to play a powerful part in the politics of Scotland."

On the death of his father, the General, in February 1822, Captain Wemyss succeeded to the paternal inheritance of Wemyss, and completed his feudal title by a retour of special service as heir of tailzie and provision to William Wemyss, his father, expede on 26th July,

and by precept from Chancery, dated 17th September, and sasine thereon, dated 15th October, and recorded in the General Register of Sasines on 1st November, all in the year 1822.

Fourteen years after his succession to the barony of Wemyss other two valuable baronies, Torrie and Lundin, were inherited by him on the death of his maternal uncle, Sir John Drummond Erskine, Baronet, of Torrie. The baronies of Torrie and Lundin were entailed by the maternal grandfather of Captain Wemyss, Sir William Erskine of Torrie, Baronet, in 1793, with consent of his eldest son, then Captain William Erskine. Sir William Erskine died in 1795, and was succeeded by his eldest son, General Sir William Erskine, second Baronet. The latter died in 1813, and his brothers, General Sir James, who died without issue in 1825, and Sir John Drummond Erskine, successively held the estates. Sir John Erskine died in 1836 unmarried, when Torrie and Lundin devolved on the heir-male of his eldest sister, Frances, who, as already stated, was the wife of General William Wemyss of Wemyss, and mother of Captain Wemyss. The latter made up his feudal title to the lands by retour of service as heir of tailzie and provision of his uncle, Sir John Drummond Erskine of Torrie, expede on 10th March, and by precept from Chancery, dated 25th April, and sasine thereon on 13th May, recorded in the Particular Register of Sasines for Fife 15th May, all in the year 1837.[1]

In 1841 it was found necessary to make new arrangements with regard to the estates, and as the newly-acquired lands of Torrie and Lundin were entailed, and could not be sold, an Act of Parliament was obtained, vesting the lands of Lundin, Aithernie, and others in the person of Captain Wemyss in fee simple, on condition that part of his own family estates of Easter Wemyss, Methil, and others, should be entailed. In terms of that Act, Captain Wemyss, in the following year, 1842, entailed certain lands, including Buckhaven, Lochhead, and

[1] Original retour, sasine, etc., in Wemyss Charter-chest.

others, upon himself and the heirs named in the entail. He afterwards petitioned the Court of Session for leave to carry out the other purposes of the Act of Parliament.[1] The barony of Lundin was afterwards sold by Admiral Wemyss.

Other transactions in which Captain, now Admiral Wemyss, was engaged was an entail in 1851 by the trustees of the deceased Sir William Erskine, his uncle, second Baronet of Torrie, in favour of him and other heirs named, and also an excambion in 1853 of part of the lands of Torrie, the titles to which were duly completed.[2]

On the death of the Earl of Rosslyn in 1837 Captain Wemyss was appointed lord-lieutenant of the county of Fife, which office he held until his death. As formerly stated, he retired from parliamentary work in 1847, and in 1850 was advanced to the rank of rear-admiral in the Royal Navy. For his early profession he retained a great love, and displayed its peculiarities in his character to the close of his life. He died at Wemyss Castle on 3d April 1854.

The same obituary notice already quoted as to his political campaigns also sketched his more private life. "He had," it says, "a mind of great originality and native vigour, a proud sense of honour, and it may fairly be pleaded that the warm temperament which perhaps may have sometimes led him into eccentricities as a landlord and in other relations, must get the credit also of inducing the performance of many good and generous actions. He had his enemies, and he had not the way to conciliate them. But there are many who, on private as well as public grounds, will feel his departure as that of a friend, hospitable, hearty, and kind."

One other peculiarity of the admiral and his brother, William, the general, may be noted. Both of them had remarkably stentorian voices. When dining together in the admiral's London house they fought their battles by sea and land over and over. This was done

[1] Original papers at Wemyss. [2] *Ibid.*

with such energy of voice that on more than one occasion the passing policeman on duty, believing that a breach of the peace was going on, called at the house to apprehend, as he expected, some unruly rioters.

Admiral Erskine Wemyss married, contract dated 7th August 1826, Lady Emma Hutchinson Hay, fifth daughter of William, sixteenth Earl of Errol. His younger brother, General William Wemyss, had previously married Lady Isabella Hay, an elder sister of Lady Emma. The two brothers were thus also made brothers-in-law. Lady Emma predeceased the admiral on 17th July 1841. Of their marriage there were two sons and three daughters :—

1. James Hay Erskine, who succeeded, and of whom a memoir follows.
2. Edward Pellew, born on 15th July 1834, who died on 7th September 1848, in the fifteenth year of his age.
3. Frances Henrietta, born on 27th April 1827. She married, on 16th May 1850, Captain Charles James Balfour, R.N., second son of General Balfour of Balbirnie. She died on 14th December 1877, leaving issue a daughter, Alicia Hay, born in March 1856, who married in 1886 the Rev. Seymour Awdry.
4. Alicia Margaret, born on 2d June 1828. She died on 27th May 1833, in the fifth year of her age.
5. Another daughter, born on 27th July 1831, who died soon after birth.

XXIII.—James Hay Erskine Wemyss of Wemyss.

Augusta Millicent Anne Mary Kennedy Erskine, his wife.

1854—1864.

James Hay Erskine Wemyss was born at Wemyss Castle on 27th August 1829. In 1841, when about twelve years old, he entered the Royal Navy, intending to follow the profession of his father and great-grandfather. But while he was serving on the west coast of Africa, he caught fever, which so affected his health, that it was deemed prudent for him to retire from the service, which he did in 1848.

He succeeded his father in the baronial estates of Wemyss and Torrie on 3d April 1854. Shortly afterwards his feudal titles to the estates were made up in the usual form. As to the barony of Torrie, he obtained a decree of general service in favour of himself as heir-male of tailzie and provision to his father, dated the 17th, and recorded in Chancery 30th May 1854. On the retour of that service to Chancery, Mr. Wemyss obtained a crown precept, dated 8th August 1854, for infefting him in the barony of Torrie, and he was infeft by sasine, recorded in the General Register of Sasines on the 18th of the same month.

As regards the lands of Buckhaven, Lochhead, and others, Mr. Wemyss obtained, on his retour of general service as heir to his father, two crown precepts from Chancery, dated respectively 20th September 1854 and 30th August 1855; and he was infeft thereon, conform to two sasines, recorded in the General Register of Sasines on 16th November 1854 and 31st August 1855.

In regard to the lands of Wemyss-shire, Mr. Wemyss was served first as heir-male of tailzie and provision of the late James Erskine Wemyss, his father, under the deed of entail made by the fourth Earl

of Wemyss on 18th May 1750;[1] secondly, as heir-male of tailzie and provision of his father, under a disposition by General William Wemyss, in favour of himself in liferent, and the said James Wemyss and others in fee, dated 26th June 1817. These two services were both expede on 17th, and recorded in Chancery on 30th May 1854. Two crown precepts of sasine were issued, of date 23d September 1854 and 30th August 1855, and Mr. Erskine Wemyss was infeft, conform to two sasines recorded in the General Register on 16th November 1854 and 31st August 1855.[2]

Not many years after becoming proprietor of the baronial estates of Wemyss and Torrie, Mr. Wemyss was elected representative in Parliament for his native county of Fife. On the retirement of Mr. John Fergus of Strathore in 1859, Mr. Wemyss offered himself as a candidate. After a keen contest, in which he was opposed to his cousin, Lord Loughborough, now the Earl of Rosslyn, Mr. Wemyss gained the seat by a majority of 237 votes. Mr. Wemyss polled 1087 votes, and Lord Loughborough 850. Of this remarkable contest, many incidents are still remembered. The success of Mr. Wemyss was said at the time to be due to his popular political opinions, honestly entertained and heartily expressed, and to his frank, cordial, and kindly demeanour as a man. In Parliament he supported the Whig party, and was favourable to measures of reform similar to those proposed by Lord John Russell. On the question of national education in Scotland he took a more generous view than many of his fellow-countrymen in the House of Commons, and promised his support to any well-considered measure based upon liberal and unsectarian principles.

In recognition alike of his personal and political merits, his large possessions, his ancient lineage, and his public services, Mr. Wemyss

[1] See p. 356 of this volume.

[2] Original writs recited—all in Wemyss Charter-chest.

was in 1864 appointed lord-lieutenant of Fifeshire, an office which had been formerly held by his father. Mr. Wemyss was also Major-Commandant of the Fife Artillery Volunteers.

Unfortunately he did not live to enjoy his well-merited honours long. Having caught a severe cold in November 1863, it settled on his lungs, and he died a few months later, on 29th March 1864, in the prime of his manhood, being only thirty-six years of age. His death took place at his London residence, 6 Buckingham Gate, S.W., but his remains were brought to Scotland to be laid with the ashes of his fathers. The funeral, which was devoid of pomp, took place on 6th April following, when the body of the deceased laird of Wemyss was carried by eighteen bearers through the castle grounds to the parish church of East Wemyss, where it was interred in the burial aisle of the family. Among the company of mourners were the Earl of Rosslyn, Lord Loughborough, Captain Oswald, Major Boothly, and Provost Swan of Kirkcaldy.

Many feeling tributes of respect were paid to the memory of Mr. Wemyss. The language of regret which was used on the occasion of the death of the uncle of Mrs. Erskine Wemyss, the noble young heir of the Kennedies, who died in the lifetime of his father, the first Marquis of Ailsa, was applicable to the loss of Mr. Wemyss himself, that he left a sorrowing widow, weeping children, and hosts of grieving friends. One writer remarked on the death of Mr. Wemyss, that none who knew him could ever cease to remember the handsome and beaming countenance which yet but imperfectly manifested the honour, courtesy, and kindness which glowed within.

A year after his succession to his father Mr. Wemyss married, on 17th April 1855, Augusta Millicent Anne Mary Kennedy Erskine, youngest daughter of the Honourable John Kennedy Erskine of Dun, in the county of Forfar (second son of Archibald, Earl of Cassillis, afterwards first Marquis of Ailsa), and his wife, Lady Augusta Fitzclarence.

Four years before his death Mr. Wemyss, on 21st December 1860, executed a trust-settlement in favour of Mrs. Wemyss, the Earl of Munster, Sir David Baird of Newbyth, Baronet, and Mr. Robert Cathcart of Carbieston and Pitcairly. He conveyed to them the whole lands and barony of Wemyss, and others in the counties of Fife and Perth, as particularly described in two sasines in his favour, recorded respectively 31st August 1855 and 16th April 1856, excepting, however, the portions named in two deeds of entail made by his father on 4th April 1842 in favour of the heirs of entail to succeed to him in Torrie. The purposes of this settlement, besides the payment of the granter's debts and the disposition of the estates in fee simple, were that Mrs. Wemyss, in the event of the granter's death and failure of issue, should have the use of Wemyss Castle and gardens, lawn and stables, with the furniture, plate, books, and other articles in the castle, in addition to the free rents of the estates. One of the conditions was that she should not let the castle, and should maintain it in good order.

In the event of a son succeeding to the estate, Mrs. Wemyss was to enjoy, rent free, the mansion-house of Torrie, or if dispossessed of it, the castle of Wemyss, likewise without paying rent. Other provisions enjoined the children of the marriage to live in family with their mother, who was to receive a liberal allowance for the board of the eldest son, and the interest of the sums provided to the younger children.

The Earl of Munster soon resigned his trusteeship, and the chief burden was undertaken by Mrs. Wemyss as the leading trustee, and also as knowing best the wishes and feelings of her husband in reference to their children and the estates of Wemyss and Torrie. The settlement made by Mr. Wemyss had been carefully considered by himself and his legal advisers, and by the terms of its provisions is shown the entire confidence which Mr. Wemyss had in the wife who

had proved herself such a helpmate to him, and who after his death more than justified his trust in her admirable management of the Wemyss estates and guardianship of the children. At his death the estates were left considerably encumbered by obligations incurred by his predecessors. But Mrs. Wemyss succeeded in clearing off these during the minority of her son and heir, to whom she handed over the ancient inheritance of his family free and unencumbered. The great advantage of her careful and successful management has been already shown by Mr. Wemyss being enabled in the construction of railways, a harbour, and the effecting of other great improvements on the estates, to do things worthy of kings.

Of the marriage of Mr. and Mrs. Wemyss there were born three sons and two daughters—

1. Randolph Gordon Erskine Wemyss, born at Wemyss Castle on 11th July 1858, of whom a short memoir follows.
2. Hugo Erskine Wemyss, born at 6 Buckingham Gate, London, 31st May 1861. He is an officer on the staff of the House of Commons.
3. Rosslyn Erskine Wemyss, born in London 12th April 1864. He entered the Royal Navy in 1877, and received a commission as lieutenant on 31st March 1887.
4. Dora Mina Kittina, born on 6th February 1856. She married, on 21st April 1887, Lord Henry George Grosvenor, third son of Hugh, first Duke of Westminster, K.G.
5. Mary Frances, born on 30th June 1857. She married, on 28th February 1882, Cecil Stratford Paget, son of General Lord George Augustus Frederick Paget, K.C.B., sixth son of the first Marquess of Anglesey, and has issue surviving, one daughter, Agnes Millicent Augusta Dorothy Canning, born in 1883.

XXIV.—Randolph Gordon Erskine Wemyss of Wemyss.

Lady Lilian Mary Paulet (Winchester), his Wife.

Succeeded 1864.

Randolph Gordon Erskine Wemyss, the present proprietor of Wemyss, was born on 11th July 1858. He was educated at Eton, and in his nineteenth year he went to America on a travelling tour. He was only in the sixth year of his age at the death of his father in March 1864. By the trust-settlement made by his father, Mr. Wemyss was placed under the care of his mother and other two friends as trustees and guardians, but, as stated in the previous memoir, the principal charge devolved upon Mrs. Wemyss, to whose diligent and prudent management the estates owe so much. Not only did Mrs. Wemyss clear the Wemyss estates of the large encumbrances with which they were burdened, but out of her own resources she constructed a dock at West Wemyss, thus fulfilling a project which had been desired for forty years previously. She renovated, added to, and beautified Wemyss Castle, where she had the honour to receive successively H.R.H. the Duke of Edinburgh and H.R.H. the late Duke of Albany and the Duchess. Mrs. Wemyss also inaugurated water-works for the district, and effected in various ways improvements on the dwellings of her dependants, to the increased comfort and amelioration of their condition. With her assistance, too, Miss Wemyss, now Lady Henry Grosvenor, was enabled to carry out her scheme of establishing the Wemyss School of Needlework, which has met with so much approval from the artistic world. Lady Henry is also the designer of much of the work that is done in the

school at Wemyss, in connection with which an Orphanage has been instituted.

Mr. Wemyss being in pupillarity at the time of his father's death, the tutors made up feudal titles in his name to his estates. As to the lands contained in the original Torrie entail, a decree of special service in favour of Mr. Wemyss was obtained on the 13th, and recorded in Chancery on 17th April 1865.[1] Similar writs were at the same time expede as regards the barony of Methil, the lands of Buckhaven, Lochhead, and others. On Mr. Wemyss attaining his majority on 11th July 1879, a conveyance of the lands of Wemyss-shire was made by Mrs. Wemyss and the remaining trustees in favour of Mr. Wemyss and his heirs therein specified;[2] and in the following year Mr. Wemyss made a disposition of the lands of Wemyss-shire in his own favour.[3] By authority from the Court of Session he disentailed the lands of Torrie, Methil, Buckhaven, Lochhead, etc.,[4] and at the same time made a grant of the lands of Torrie in his own favour.

On 28th July 1884 Mr. Wemyss married Lady Lilian Mary Paulet, only daughter of the Most Honourable John Paulet, Marquis of Winchester, premier Marquis of England. The marriage took place at St. Paul's Church, Knightsbridge, and the event was made the occasion of rejoicings over the ancestral estate. Wemyss Castle was decorated in honour of the marriage; a general holiday was proclaimed in the villages, which placed themselves *en fête*, while almost every farmhouse over the estate displayed flag or banneret. The tenantry and others were entertained to dinner in the large new saloon of the castle, and the other workers on the estates, including the miners,

[1] It was recorded in the New General Register of Sasines on 15th May 1865, and a Crown confirmation obtained on 24th July following.

[2] Disposition dated 29th July and 3d and 6th August, and recorded in the General Register of Sasines for Fife and Perth on 22d August 1879.

[3] Disposition dated 14th February, and recorded in the General Register of Sasines for Fife and Perth on 3d March 1880.

[4] Instrument of discntail dated 29th December 1879, duly recorded in the Register of Entails and Sasines.

were elsewhere provided for, the rejoicings being terminated by the illumination of the castle and a gorgeous display of fireworks in the castle grounds. The poor people of the district were, by the express order of Mr. Wemyss, specially provided for on the morning of the auspicious day, and the characteristic kindness of Mr. Wemyss was gratefully referred to in the speeches of his workmen at their banquet.

Of that marriage a daughter was born on 15th May 1885, named MARY MILLICENT ERSKINE WEMYSS, and also a son on 8th March 1888, named MICHAEL JOHN ERSKINE WEMYSS.

Mr. Wemyss inaugurated his succession to the ancient lordship of Wemyss by several extensive and well-devised schemes, which promise not only to develop more successfully than ever hitherto the vast mineral wealth of the estates, but materially to benefit those who dwell upon them.

The first of these gigantic enterprises—gigantic to be the undertaking of one landed proprietor—was the construction of a railway from the Thornton Junction of the North British Railway to the village of Buckhaven, a distance of fully four miles. The idea was entertained and proposed by Mr. Wemyss before he was of full age and legally entitled to act for himself, but he readily obtained the sanction of his curators, and application was made, in 1879, to the Board of Trade for a certificate to authorise the construction of the work. This was granted, the capital for the undertaking being fixed at £25,000, and the time allowed for construction five years. A working agreement was made with the North British Railway Company, and the line to Buckhaven was duly made and opened for traffic, there being two intermediate stations, named respectively "West Wemyss," and "Wemyss Castle." To the villagers of Buckhaven and East Wemyss the railway communication thus afforded with other parts of the country proved a most welcome boon.

The second enterprise was the purchase by Mr. Wemyss, in 1883, of the port and harbour of Leven. It was for some time vested in the neighbouring family of Christie of Durie. Mr. Robert Christie of Durie, in the year 1876, transferred his rights therein to a company then formed, called the Leven Harbour Company, and they, in turn, disposed of the concern to Mr. Wemyss for £12,000.[1] For this sum Mr. Wemyss acquired the harbour of Leven with its wharves, cranes, dock sheds, and lands adjacent, and also a short railway connecting the harbour with the Leven and East of Fife Railway. This railway he has since extended by throwing a bridge over the harbour and carrying the line westwards to the Innerleven and Methil coal fields.

The third and crowning enterprise engaged in by Mr. Wemyss relative to the estates, was the construction of a large wet dock and harbour at Methil. The harbour as it existed was erected, between the years 1662 and 1664, by David, second Earl of Wemyss, as stated in his memoir, at the cost of £100,000 Scots. The dock and harbour now completed by Mr. Wemyss have been constructed at the cost of £100,000 sterling. The dock is four and a half acres in extent, and occupies ground part of which has been reclaimed from the sea. It is protected on the east by a strong sea wall, fully a quarter of a mile long, twenty-five feet high, twelve feet broad at base, and six feet at top. The old harbour still remains, but has been extended, and a pier 260 feet long, twenty feet high and eighteen feet broad, carries it still further into the Firth. The entrance channel from the harbour to the dock is three hundred yards in length, is ninety-four feet broad, and at ordinary high water gives a depth of twenty-five feet, while the depth of the dock itself, from coping to bottom, is twenty-eight feet, thus affording accommodation to vessels of the largest size. For facilitating the loading and discharging of cargoes, the most approved and powerful

[1] The disposition is dated 28th July, and recorded in the Register of Sasines applicable to the county of Fife on 15th August, 1883.

hydraulic machinery has been fitted up, while ample access and regress for merchandise to the dock is provided by railway approaches from both east and west, with numerous sidings and lye-ways. At night the dock is lit up by the electric light. The traffic in view was chiefly the export of coal, but not exclusively so, and already the dock is being greatly taken advantage of by shippers.

To aid in ensuring the commercial success of the now important burgh of Methil, as well as to provide ready access for the Wemyss and other coals to his new dock, Mr. Wemyss, besides providing for other railway facilities in connection therewith, has extended the Wemyss and Buckhaven railway to Methil. Both dock and railway were opened for traffic on Thursday, 5th May 1887, the occasion being made a general holiday in the district, and the opening ceremonies being performed by Mr. and Lady Lilian Wemyss in person.

At the luncheon which followed, Mr. Wemyss in replying to the toast of "Success to Methil Docks," sketched the origin and intention of the enterprise. He made a long and appropriate speech containing much interesting information about the working of coal fields by the monks of Dunfermline, who were extensive coal owners; and also about his own coal fields and the working of them by his ancestors, especially by David, second Earl of Wemyss. He said, "Ever since I have practically watched and followed the ever-increasing trade, and coal trade in particular, of Fifeshire, it has been apparent to me that another harbour near the centre of Fife was, especially in these days of low prices and small profits, essential to our great trading community. . . . An attempt to supply this want was made in constructing a harbour at Leven some ten years back, but through want of sufficient expenditure of money, and other natural causes, the harbour there built in no way met the demand, and after much deliberation and many negotiations, I determined to erect Methil into a suitable port. The dock has been principally con-

structed for the export of coal." After referring at some length to the history of the Wemyss and other Fife coal fields, Mr. Wemyss proceeded: "In 1870 a wet dock was added to the harbour at West Wemyss by my mother, Mrs. Wemyss, who was then a trustee during my minority on the Wemyss estates. Her name, gentlemen, as you who are not strangers here to-day know, will in our local records, aye, and even outside of them, be handed down to posterity as a woman who more than did her duty in that position of life which she so judicially and ably adorned." After tendering his thanks to the firms and gentlemen employed in the construction of the dock Mr. Wemyss referred to the advantages it offered to the seafaring community. "It is not for a merchant," he remarked, "to praise his own wares, though after all, if he does not, I am afraid his competitors will not do it for him, so I think I may be allowed to enumerate a few of the special advantages appertaining to Methil Dock. It is the first port you arrive at when you enter the Firth of Forth, and consequently by using it you save time, which is money. This I lay before ship-owners and captains. . . . When vessels are detained higher up the Forth by fogs, etc., ships will be able to leave Methil and lay their course direct out at once to sea. This is also a point for the consideration of those who 'go down to the sea in ships.' At Methil have been erected all the latest improvements (which are, I believe, as near perfection as we mortals can attain, which, if it is attainable, is so by Sir W. Armstrong & Co.) for the rapid shipment of coal. Then there is the establishment of the Thompson-Houston system of electric lighting. . . . To fishermen and fish-buyers I wish to point out that at the lowest tide there will always be a draught of from eight to ten feet water in the outer basin, and should we meet with the slightest encouragement or demand, we intend erecting in the outer harbour a jetty, on which a hydraulic crane will be placed, running a railway on to it, so that fishing-boats, at all hours of the day and night, and at all

states of the tide, can lie alongside and have their fish loaded direct from the boats into my waggons, and thereby ensure rapid despatch to and early delivery at the various fish markets. . . . But, gentlemen, it is not for me to enumerate any further the advantages appertaining to the undertaking we have opened to-day. Suffice it to say, we have done our best, I hope and believe our judicious best, in providing the harbour and dock accommodation you have seen at Methil. It has been remarked to me that we have not made the dock large enough to accommodate an ever-increasing trade, though it is amply big enough to accommodate the largest vessels in which we conduct this trade. But, gentlemen, we must creep before we walk, and should we see that a larger area of dock accommodation is required, that hour will we at once start to meet this requirement by increasing its size—aye, doubling or trebling it even, if necessary."

Along with these gigantic undertakings in reference to his estates, there is still another work to which, although not for a moment to be compared, either in magnitude or importance, with the enterprises now noticed, it may be pardonable to refer. Far from locking up from the public his historical muniments, Mr. Wemyss has now, with enlightened liberality, laudably made them widely known. He has inherited the spirit which led his ancestor, Sir John Wemyss of Wemyss and Reres, to encourage the venerable Andrew Wyntoun to write his "Cronykil of Scotland," in the early part of the fifteenth century; and it is fitting that he who represents the promoter of one memorable history of Scotland should form a record of his own ancient race. This has been done in these three volumes of "MEMORIALS OF THE FAMILY OF WEMYSS OF WEMYSS."

IN THE PARISH OF WEMYSS AND COUNTY OF FIFE.

MICHAEL OF METHIL AND WEMYSS, who lived during the reign of King William the Lion, is the earliest proved ancestor of the family, and is frequently referred to in charters by his son Sir John Wemyss. He left two sons.

SIR JOHN OF WEMYSS, who, as John, son of Michael, witnessed and granted several charters in the reign of King William the Lion. He was first designated, from his property of Methil, Sir John of Methil, and as such granted to the Church of Soutra, in Haddingtonshire, for the weal of his own soul, that of Earl Duncan and his father and mother, a charter of all his right in the Church of St. Mary of Wemyss. He was still alive in 1261. He left two sons.

DUNCAN, mentioned in a charter granted by his brother, Sir John.

SIR MICHAEL OF WEMYSS, who witnessed a charter by his father in the reign of King Alexander the Second. In the charter by Sir John of Anesley, his lands are said to march with those of Cameron. He was a partisan of John Baliol in 1290, swore fealty to Edward I. of England in 1296, was at Ayr with King Robert the Bruce in 1315, witnessed several charters by his son David, and with him and his grandson, Michael, took part in the perambulation of the lands of Gaitmilk and Caskieberran in 1319. He left a son.

JOHN of Wemyss, who about 1300 received a charter from his nephew, David de Wemyss, of a strip of the Moor of M'Leofgarmunth. He married Annabella, daughter of Sir John of Anesley, and with her received the lands of Over Cameron in Fife. He probably left a son.

SIR DAVID OF WEMYSS. He is mentioned in several charters along with his father Sir Michael of Wemyss. He confirmed and augmented the grants by his predecessors to the Church of Soutra. He was lord of the half lands of Lochore, acquired or inherited from Sir David Lochore. In 1319 he is designated lieutenant of the king in the arbitration anent marches above mentioned, and in 1320 was one of the signatories of the letter to the Pope asserting the independence of Scotland. He married, first, Annabella, daughter of Sir William of St. Clair, and widow of Sir Robert Bisset; and, secondly, Marjory, daughter of Walter of Ramsay. He had two sons.

SIR DAVID of Wemyss, lord of Cameron, who witnessed charters as such, and is called *consanguineus* of Sir Michael of Wemyss, who about 1332 granted to him the lands of Nether Cameron, and to him and his wife, Lady Margaret, an annual rent of six merks from the mill of Methil. He at a later date received the lands of Reres from Duncan, Earl of Fife. He was sheriff of Fife from 1337 to 1359, and one of the guarantees of the treaty in 1357 for the release of King David the Second. In 1373 he resigned his estates in favour of his kinsman Sir John Wemyss of Kincaldrum, and died in 1375. He married, as his second wife, Isabel Crichton. He had issue two sons.

SIR MICHAEL OF WEMYSS, who between 1323 and 1332, as son of the deceased Sir David of Wemyss, granted a charter to the Church of Soutra, confirming his father's donations. He obtained from Duncan, Earl of Fife, in 1332, a charter of the lands of Easter Monichie, Wester Dron, etc. He took part with Edward Baliol, and was at the siege of Lochleven in 1335, and in the following year was appointed to go to the Parliament of King Edward at London. He died about 1342, leaving, so far as has been ascertained, no surviving male issue. He had three daughters.

SIR JOHN WEMYSS, who received from King Robert Bruce a charter of the barony of Leuchars. He also obtained from Sir Alexander Abernethy the lands of Kincaldrum. He was probably succeeded by his son, who is called

DAVID of Wemyss, who as son and heir of Sir David of Wemyss, was sent to England as one of the hostages for King David the Second. He seems to have died before his father.

DUNCAN OF WEMYSS, who, as son and heir of Sir David in 1376, agreed with Sir John of Wemyss of Kincaldrum, to make over to the latter the lands of Sir David Wemyss, and in 1389 renewed the agreement, obtaining for life only the lands of Kilmany. He apparently died without issue.

MARGARET, who married Sir John Inchmartin of Inchmartin, and had issue one daughter.

——, who married John Livingstone of Drumry, and was ancestress of the Livingstones of Drumry and East Wemyss.

——, who married [Roger?] Boswell, and carried to her husband the Lochoreshire lands. She was ancestress of the Boswells of Balmuto.

DAVID WEMYSS of Kincaldrum, of whom no charter evidence has been found. He died before 1372, leaving a son.

ISABEL INCHMARTIN, who married Sir Alan Erskine, who in her right became lord of Inchmartin, and of a part of Wemyss. They died about 1400, leaving issue two daughters.

SIR JOHN WEMYSS OF LEUCHARS AND KINCALDRUM, who in 1392 is described as grandson of Sir John Wemyss of Kincaldrum. In 1374 he obtained Reres, Methil, and other lands by resignation of his kinsman Sir David Wemyss, which estate he consolidated and added to, receiving a charter from the Crown in 1392. He was thrice married, first to a lady whose name is unknown; secondly, to Isabel, daughter and co-heiress of Sir Alan Erskine, by whom he acquired a part of Wemyss and Inchmartin; and, thirdly, to Christian Ogilvy. He died about 1428, and left issue.

MARGARET, who married Sir John Glen of Glen and Balmuto, and had issue three daughters, who carried to their respective husbands and children a separate part of their mother's share of the Wemyss, as detailed in the Memoirs.

ISABEL, who married her kinsman Sir John Wemyss of Kincaldrum, and carried to her husband her share of Wemyss, with part of Inchmartin and other lands, in which her eldest son David Wemyss became her heir.

DUNCAN of Wemyss, who, between 1398 and 1401, married Elizabeth Erskine of Erskine, and is then described as son and apparent heir of Sir John Wemyss of Leuchars. He inherited his father's lands of Leuchars and Reres, and is described as Duncan Wemyss of Reres in 1432, when he went to England as a hostage for King James the First. He had a son, Sir Thomas Wemyss of Reres, who was the ancestor of the families of WEMYSS OF PITTENCRIEFF AND LOGIE. The estate of Reres went with a great-granddaughter of Duncan in 1477 to the family of Forbes of Reres.

ALEXANDER of Wemyss, who, in 1407, obtained from his father the barony of Kilmany, and was the ancestor of the family of Wemyss of Lathocker.

MICHAEL, tutor to John Wemyss of that Ilk, in 1432. He held the lands of Pitmiddil in the barony of Inchmartin.

DAVID WEMYSS OF METHIL AND WEMYSS, who succeeded his mother Isabel Erskine in her Wemyss and other lands. He obtained a charter of Tillybreak, etc., from Murdach, Duke of Albany and Earl of Fife, in October 1423, and by the following February had married Dame Christian Douglas, relict of Sir William Douglas. He only survived his father about two years, dying before September 1430. He was survived by his wife, who married, thirdly, before 20th July 1446, James Auchinleck of that Ilk.

ANDREW of Wemyss, who witnessed the sasine of his brother David in Methil in 1424. He had a son.

JOHN of Wemyss.

ELIZABETH, who married, contract dated 31st August 1418, Andrew, first Lord Gray.

ISABEL, who married Hugh Fraser of Lovat, and was mother of the first Lord Lovat.

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SIR JOHN WEMYSS OF THAT ILK. He was a minor in 1430, under the tutory of Michael of Wemyss, his uncle. He married, about 1447, Margaret, daughter of Sir Robert Livingstone of Drumry, but was divorced from her in 1489, and she died *c.* 1494. He died before 13th May 1502, leaving issue.

EUPHEMIA, who was contracted in marriage first to William Livingstone, younger of Drumry, then to David, son and heir of Sir Andrew Ogilvie of Inchmartin.

——, a daughter referred to in a writ of 1444, but nothing further is known regarding her.

SIR JOHN WEMYSS OF THAT ILK. During his father's lifetime he was styled John Wemyss of Strathardle. He married, first, Christian, daughter of Laurence, Lord Abernethy of Saltoun, and received in 1468, a charter of Strathardle to him and his wife; secondly, Helen Dunbar, relict of Alexander Melville, who, after his death, married Andrew Moncur of that Ilk. He died in 1507, leaving issue by his first wife.

DAVID, who in 1487 received from his father the lands of Auchleven, and sold them in 1490.

GRISEL, who married David Boswell of Glassmonth, son and heir of David Boswell of Balmuto, and had issue.

SIR DAVID WEMYSS OF THAT ILK, called during his father's lifetime of Dron. He had charters of several lands from his father in 1487, etc., and in 1511 had all his lands erected into a barony, called the BARONY OF WEMYSS. He married, first, Euphemia Lundy; and secondly, Janet, daughter of Andrew, Lord Gray, and widow of John Charteris of Cuthilgunby, who survived him, dying in October 1539. Sir David Wemyss fell at the battle of Flodden, on 9th September 1513. He left issue.

GAVIN, who is mentioned between 1493 and 1504.

CHARLES, who is mentioned in 1502 in a decreet with his father.

JOHN, who, in 1504, was a student at St. Andrews. Nothing further has been ascertained regarding him.

AGNES, who was contracted to Andrew of Kinninmont of that Ilk, in 1482.

MARGARET, who married John Melville of Raith. They had a grant of the lands of Wester Raith from Sir John Wemyss in 1503.

DAVID OF WEMYSS OF THAT ILK, who succeeded to the family estates in 1513. He married, in 1512, Katherine, daughter of Henry, Lord Sinclair; and, secondly, contract dated 7th March 1525, Mariota, daughter of Sir John Towers of Inverleith, who survived him, and married Mr. Bernard Hamilton of Bogwood, being still alive in 1558. David Wemyss died in May 1544, leaving issue.

JAMES, who, on 15th February 1534, with his sister Elizabeth, granted a discharge to their brother, David.

ROBERT, who is called "in Caskieberran," and in a charter of two-sixths of the three-quarter lands of Easter Lathrisk and Moncoutemyre, is called brother of David. He died before 1542, leaving two sons.

ELIZABETH, who died unmarried before 26th August 1544.

SIR JOHN WEMYSS OF THAT ILK. He was served heir to his father in 1544, and also executor of his brother David. He acted a distinguished part in the events of his time, repulsing the English on their attempting to land on the Fifeshire coast in 1547; and was afterwards appointed Lieutenant of Fife, Kinross, and Clackmannan. He married, in 1534, Margaret, eldest daughter of Mr. Adam Otterburn of Redhall, then provost of Edinburgh, from whom he was divorced before 1556. He married, secondly, Janet, daughter of Alexander Trail of Blebo, and widow of John Ramsay of Ardbekie. He died at Elcho in the end of January 1571-72, leaving issue.

JAMES WEMYSS of Caskieberran. He married Janet Durie, Lady of Carden, and by her, who died in July 1578, had eleven children, eight sons and three daughters.

DAVID WEMYSS of Dron, son by Mariota Towers. In 1542 he received from his father the lands of Strathardle, etc., and in the previous year the lands of Elcho and others, which he resold to his brother, the laird of Wemyss, in 1552. He married, first, Margaret Cunningham; and secondly, Janet Betonn, and had issue two sons. His lands of Dron reverted to the head of the family before 1650.

MARGARET, who married James Wemyss, brother of the laird of Pittencrieff.

GRISEL, who married, first, Andrew Kinninmont, who died before October 1545; and, secondly, David Ramsay of Brakmonth.

MARION, daughter by Mariota Towers, who married Robert Fairlie of Braid, and had issue.

JAMES.

PATRICK, both natural sons, legitimated by letters under the Great Seal in 1548.

DAVID WEMYSS of Caskieberran, who, on 24th October 1542, received a charter of two-sixths of three-quarters of the lands of Easter Lathrisk and Moncoutemyre, resigned by Sir David Wemyss of that Ilk. He was killed at the battle of Pinkie in 1547.

ROBERT WEMYSS, who, on 23th November 1548, was served heir to his brother David in the lands of Easter Lathrisk and Moncoutemyre. He appears to have left two daughters.

JOHN WEMYSS, a natural son, who was legitimated in 1548, by letters under the Great Seal.

DAVID WEMYSS OF THAT ILK. He was retoured heir to his father on 14th May 1572. He married, contract dated 31 December 1556, Cecilia, third daughter of William, second Lord Ruthven, who died on 8th July 1589. He died on 22d February 1597, leaving issue.

JOHN WEMYSS, who was alive on 1st June 1572, and later in the same year was drowned by shipwreck on his way to France.

GAVIN WEMYSS of Powguild and Unthank, son of second marriage. He married Catherine, daughter and heiress of David Wemyss of Unthank, and is ancestor of the family of Wemyss of Winthank.

PATRICK, described in 1580 as brother-german of David Wemyss of that Ilk.

MARGARET, who married Sir David Barclay of Collairnie.

ELIZABETH, who married David Balfour of Montquhany.

AGNES, who married Sir John Aytoun of that Ilk.

EUPHEMIA, who married David Carnegy of Colluthie, ancestor of Earls of Southesk.

ROBERT, MICHAEL, DUNCAN, JAMES (parish clerk of Dysart 1549), JOHN, five natural sons.

KATHARINE, a natural daughter, named in her father's testament in 1572.

JAMES WEMYSS of Caskieberran. He married Elizabeth Simson(?) and had issue. He was dead in 1608.

ROBERT, JOHN, PATRICK, DUNCAN, THOMAS, DAVID, GAVIN. Five of these sons are said to have gone to Flanders, and one of them is claimed as the ancestor of the Barons and Counts of Wemyss in Italy.

JANET.

ISABEL.

MARION.

JANET, who married —— Melville. On 12th May 1602 her son David was retoured heir to her in half of two-sixths of three-quarter lands of Easter Lathrisk and Moncoutemyre.

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SIR JOHN WEMYSS OF THAT ILK, who succeeded his father in 1597. He was previously styled "of Tulibrek," and had a seat in Parliament. He married, first, in 1574, Margaret, daughter of Sir William Douglas of Lochleven; and secondly, in 1581, Mary, daughter of James Stewart, Lord Doune. He died, *c.* 1622.

SIR JAMES WEMYSS of Bogie. He married Margaret, daughter of John Melville of Raith, and was ancestor of the family of Wemyss of Bogie.

MR. ANDREW WEMYSS, who died unmarried before 1st October 1585.

PATRICK WEMYSS of Rumgay, ancestor of the families of Wemyss of Rumgay, Craighall, etc.

DAVID WEMYSS of Fingask, ancestor of family of Wemyss of Fingask.

HENRY WEMYSS of Foodie, ancestor of family of Wemyss of Foodie.

MARGARET, who married, contract dated 5th April 1578, James Betonn of Creich.

JEAN, who married, contract dated 18th April 1578, James M'Gill of Rankeillor.

CECILIA, who married, first in 1585, Andrew Kinnimmonth of that Ilk; and, secondly, contract dated 4th December 1596, William Learmonth of Clatto.

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ISABEL, who married John Auchmoutie of Auchmoutie.

ELIZABETH, who married (contract dated 1st August 1597), Alexander Wood of Lamlethan.

JAMES WEMYSS of Caskieberran. He married —— Forbes, daughter of the laird of Reres, and had issue.

DAVID WEMYSS, who, with his brother James, then fiar of Caskieberran, witnessed marriage contract at Wemyss, 1st August 1597.

GAVIN, who married, before 1608, Agnes Scot (Balwearie), and had issue.

DAVID WEMYSS, apparent of that Ilk, was contracted to Elizabeth Leslie, daughter of Andrew, Earl of Rothes, on 27th January 1608, but died in August following, *s.p.*

SIR JOHN WEMYSS OF THAT ILK, created EARL OF WEMYSS by King Charles the First, in 1633, having previously been made, in 1628, a lord of Parliament by the title of Lord Wemyss of Elcho. He married Jean, eldest daughter of Patrick, Lord Gray, who died in August 1639, and Earl John died 22d November 1649, leaving issue.

CECILIA, who married, contract dated 3d October 1599, William, second Earl of Tullibardine, without issue.

JANET, who married Robert, first Lord Colville of Ochiltree, and died in April 1655, without issue.

ISOBEL, who married, contract dated 21st October 1614, Hew, eldest son of Simon Fraser, Lord Lovat. Issue.

CATHERINE, who married, contract dated 18th August 1624, Sir John Haldane of Glenegles.

JAMES WEMYSS, fiar of Caskieberran. He predeceased his father before 1650, leaving issue.

LIEUTENANT-COLONEL DAVID WEMYSS, who married, in 1650, Agnes, daughter of John Lundie of Auchtermairnie. He was killed at Dunbar in September of the same year.

MARGARET, who married —— Nairn, and had issue.

CECIL, who married —— Martin, and had issue.

JAMES WEMYSS, general of artillery, in the reigns of Charles I. and Charles II. He married an English lady, and died in London in 1666. His eldest son,

DAVID, SECOND EARL OF WEMYSS, only son, born 6th September 1610. He was served heir-general of his father in 1655, and in 1672 resigned his titles and estates in favour of his daughter Lady Margaret. He was thrice married, first, on 4th February 1627, to Anna Balfour, eldest daughter of Robert Lord Burghlie, who died 10th November 1649; secondly, on 26th April 1650, to Lady Helenor Fleming, eldest daughter of John Earl of Wigtown, who died in 1652, *s.p.*; and, thirdly, on 13th January 1653, to Lady Margaret Leslie, Countess-Dowager of Buccleuch. He died in 1679.

LADY MARY, who married, contract dated 13th and 15th July 1631, John, Lord Sinclair, and died before 1662, leaving issue.

LADY ANNA, who married, first, contract dated 30th December 1631, Alexander, eldest son and heir of David Lindsay of Elzell, and had issue; secondly, in 1639, Mungo, Viscount of Stormont. She died at Wemyss on 20th September 1643.

LADY JEAN, who married, first, in 1633, Sir Alexander Towers of Inverleith, younger; and, secondly, in 1649, Colonel the Hon. Harry Maule of Balmakellie, second son of Patrick, Earl of Panmure.

LADY ELIZABETH, who married, contract dated 15th April 1636, John Aytoun of that Ilk, and had issue.

LADY CATHERINE, who married, first, in 1654, Sir David Carnegy of Craig; and secondly, in 1664, Sir Andrew Ker of Greenhead. Died in 1668, *s.p.*

DAVID WEMYSS, called of Cameron. Caskieberran passed into the possession of the Rothes family, and David Wemyss sold Cameron to the second Earl of Wemyss. He died at Wemyss Castle before 1691, without issue.

JAMES WEMYSS was created Lord Burntisland for life in 1672, married Margaret, Countess of Wemyss, and continued the family of Wemyss.

JOHN, born on 22d November 1627.

DAVID, born 5th June 1632.

JOHN (second of name), born 10th December 1636.

ROBERT, born 1st August 1639.

All these four sons died before 7th February 1646.

JOHN, third of name, born 7th February 1646.

ALEXANDER, born 20th October 1647, who also both predeceased their father, *s.p.*

LADY JEAN, born 19th June 1629, who married, first, in 1649, Archibald, Earl of Angus; and, secondly, in 1659, George, fourteenth Earl of Sutherland, died 1715.

LADY MARGARET, born 24th September 1630.

LADY ISABELLA, born 14th February 1642.

LADY ANNA, born 20th September 1643. All of whom predeceased their mother, *s.p.*

LADY MARY, born 7th February 1638.

LADY AGNES, both of whom died unmarried.

DAVID, Lord Elcho, son by Lady Margaret Leslie, born 13th March 1655. He predeceased his father on 25th September 1671, *s.p.*

JOHN, born 18th December 1653, died aged two years.

HEW, born 23d May 1656, died aged three years.

JOHN, born 13th October 1657, died aged three years.

MARGARET, COUNTESS OF WEMYSS, daughter by Lady Margaret Leslie, born 1st January 1639. She married, first, on 28th March 1672, Sir James Wemyss, Lord Burntisland, by whom she had issue; secondly, in 1700, George, Earl of Cromartie, without issue. She died on 11th March 1705.

DAVID, THIRD EARL OF WEMYSS, baptized on 29th April 1678, succeeded to his mother in 1705. He was one of the Commissioners for the Treaty of Union, and Lord High Admiral of Scotland in 1706. He married, first, in 1697, Lady Anne Douglas, eldest daughter of William, first Duke of Queensberry, by whom he had issue two sons; secondly, in 1703, Mary, elder daughter and co-heir of Sir John Robinson of Farningwood, Northamptonshire, without issue; and, thirdly, in 1716, Elizabeth, fourth daughter of Henry, seventh Lord Sinclair, issue two daughters. He died on 15th March 1720.

LADY ANNA, born 18th October 1675, who married, contract dated 3d September 1691, David, third Earl of Leven, and had issue.

LADY MARGARET, born 1st April 1677, married, contract dated 29th January 1697, David, Earl of Northesk, with issue, dying 29th March 1763.

JOHN, who was baptized on 14th October 1680, but appears to have died young.

CATHERINE, who was baptized on 15th December 1682, but also appears to have died young.

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DAVID, LORD ELCHO, who was born and baptized on 3d October 1698, but died of a fever on 16th December 1715.

JAMES, FOURTH EARL OF WEMYSS, born 30th August 1699. He was under the tuition of the Chevalier Ramsay, and in 1720 succeeded his father in the Wemyss titles and estates. He married on 17th September 1720, Janet, only daughter and heiress of Colonel Francis Charteris of Amisfield, East Lothian, who survived till 1778. They had seven children. Earl James died on 21st March 1756.

DAVID, son of third wife, mentioned in 1720, but died in infancy.

LADY ELIZABETH, who married, contract dated 17th April 1734, William, sixteenth Earl of Sutherland, and had issue. She died 20th February 1747.

LADY MARGARET, who married, on 24th April 1740, James, ninth Earl of Moray, and had issue. She died 31st August 1779.

DAVID, LORD ELCHO, born 30th July 1721. He took a prominent part in the Rebellion of 1745, and was attainted. He escaped abroad, and died at Paris on 29th April 1787, unmarried.

FRANCIS, FIFTH EARL OF WEMYSS, born 21st October 1723, inherited the possessions of his maternal grandfather, and on the death of his elder brother became Earl of Wemyss. His descendants were required to assume the surname of Charteris. He was the ancestor of the present Earl of Wemyss and March.

HONOURABLE JAMES WEMYSS of Wemyss, born 23d February 1726, and succeeded his father in the estate of Wemyss. He married, on 29th August 1757, his cousin Lady Elizabeth Sutherland, only daughter of William, sixteenth Earl of Sutherland, who survived him till 24th January 1803. By her he had eight children. He died on 10th May 1786.

LADY FRANCES, born 7th November 1722, and married, 14th October 1743, Sir James Steuart of Coltness. She died at Coltness, 29th June 1789, leaving issue.

LADY WALPOLE, born 1st December 1724, and married, on 17th January 1754, Louis de Chastel, Sieur de la Barthe. She died at Toulouse in 1755, without issue.

LADY ANNE, born 30th October 1727 and married, contract dated 25th April 1746, John Hamilton of Bargeny, Ayrshire, M.P., without issue.

LADY HELEN, born 11th April 1729; married, 26th April 1754, Hugh Dalrymple of Fordell; died 1st Oct. 1812, *s.p.*

JAMES, born 8th October 1758, but died at Wemyss on 16th November 1770.

WILLIAM WEMYSS OF WEMYSS, born 9th April 1760. He was frequently M.P., and gave distinguished military services in Ireland and elsewhere, rising to the rank of lieutenant-general. He married, on 16th September 1788, Frances, eldest daughter of Sir William Erskine of Torrie, who died at Torrie House, 1st February 1798, leaving four sons and one daughter. General Wemyss died on 4th February 1822.

DAVID, born 29th March 1761, entered the service of the East India Company, and died at Madura, before July 1784, unmarried.

FRANCIS, born 1st April 1767, entered the army, and rose to the rank of captain, but died at Kingston, Jamaica, on 4th January 1793, unmarried.

CHARLES, born 21 June 1768, entered the Royal Navy, and attained the rank of captain. He died at London 5th June 1802, unmarried.

JAMES, born 4th May 1778, entered the Indian Service, and was interpreter and secretary to Lord Viscount Lake. He married Miss Caroline Charlotte Binfield, and had issue. For their descendants, see pp. 376-379.

ELIZABETH MARGARET, born 11th December 1769, and married, 16th August 1793, Alexander Brodie of Arnhall, Kincardineshire, M.P. She died 19th July 1800, leaving a daughter, who married George, last Duke of Gordon, *s.p.*

CATHERINE, born 8th July 1785.

JAMES ERSKINE WEMYSS OF WEMYSS AND TORRIE, born 9th July 1789, entered the Royal Navy, and in 1814 was appointed post-captain. He rose to the rank of rear-admiral. He was M.P. for Fife, also lord-lieutenant of Fife. On 8th August 1826, he married Lady Emma Hay, fifth daughter of William, sixteenth Earl of Errol. She died on 17th July 1841. Mr. Wemyss died on 3d April 1854. They had issue.

WILLIAM, born 5th September 1790, became a lieutenant-general in the army, and equerry to the queen. He was aide-de-camp to his uncle Sir William Erskine, with Wellington's army in Spain. He married, on 14th April 1820, Lady Isabella Hay, daughter of William, sixteenth Earl of Errol, who died on 28th July 1868. He died on 30th November 1852. They had issue.

FRANCIS, born 21st September 1791, became a lieutenant in the Royal Navy.

CHARLES, born 23d May 1796, also entered the Royal Navy.

FRANCES, born 16th September 1794. She married, on 10th October 1826, General James Alexander St. Clair, third Earl of Rosslyn. She died on 30th September 1858, leaving issue.

JAMES HAY ERSKINE WEMYSS OF WEMYSS, born 29th August 1829, entered the Royal Navy, and succeeded his father on 3d April 1854. He married, on 17th April 1855, Augusta Millicent Anne Mary, second daughter of the Hon. John Kennedy Erskine of Dun, in the county of Forfar, second son of the first Marquis of Ailsa and Lady Augusta Fitz-Clarence. In 1859 he was elected M.P. for Fife, and in 1864 was made lord-lieutenant of that county. He and his wife live in London on 29th March 1864, leaving issue.

EDWARD PELLEW, born on 15th July 1834. He died on 7th September 1848, unmarried.

FRANCES HENRIETTA, born 27th April 1827. She married, on 16th May 1850, Captain Charles James Baltour, R.N., and died on 14th December 1877. Issue a daughter, Alicia Hay, born March 1856, married, 1886, Rev. Seymour Awdry.

ALICIA MARGARET, born 24 June 1823. She died on 27th May 1833.

CAPTAIN JAMES HENRY, who died in June 1857.

CAPTAIN CHARLES THOMAS, a major in the Turkish services. Died unmarried in 1883.

ISABELLA HARRIET JANE, who married Count Reventlow Criminil. Issue one son and two daughters.

RANDOLPH GORDON ERSKINE WEMYSS OF WEMYSS, born on 11th July 1858. He married, on 28th July 1884, Lady Lilian Mary Paulet, only daughter of John, Marquis of Winchester. They have issue.

HUGO ERSKINE WEMYSS, born on 31st May 1861.

ROSSLYN ERSKINE WEMYSS, born on 12th April 1864. He is a lieutenant in the Royal Navy.

DORA MINA KITTINA, born on 6th February 1826. She married, on 21st April 1857, Lord Henry George Grosvenor, third son of Hugh, first Duke of Westminster, K.G.

MARY FRANCES, born on 30th June 1857. She married, on 28th February 1882, Cecil Stratford Paget, son of General Lord George Paget, K.C.B., and has issue a daughter, Agnes Millicent Augusta Dorothy Canning, born in 1883.

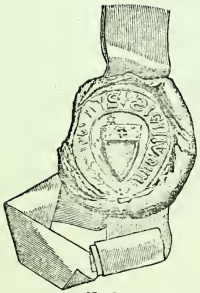
MICHAEL JOHN ERSKINE WEMYSS, born on 8th March 1888.

MARY MILLICENT ERSKINE WEMYSS, born 15th May 1885.

COLLECTED SEALS AND SIGNATURES.

ARMORIAL SEALS OF THE FAMILY OF WEMYSS.

No. 1.

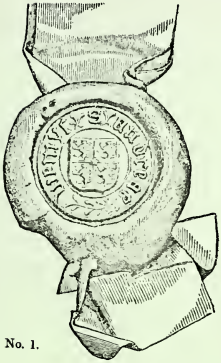


No. 3.

No. 2.

No. 4.

1. Sir John of Methil, *c.* 1230.
2. Sir Michael Wemyss, private signet, 1292, 1296.
3. Duncan Wemyss of Cameron, 1389.
4. David Wemyss of Wemyss, 1423.



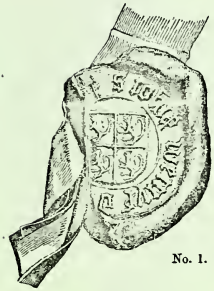
No. 1.

No. 2.

No. 3.

No. 4.

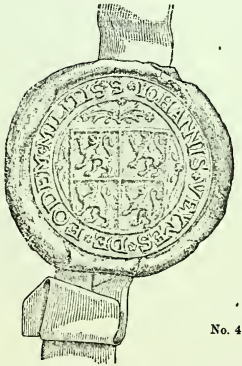
1. Andrew Wemyss, 1468.
2. John, son of Andrew Wemyss, *c.* 1490.
3. and 4. Sir John Wemyss of Wemyss, 1462, 1489.



No. 1.

No. 2.

No. 3.



No. 4.

1. Sir John Wemyss of Wemyss, 1503.
3. John Wemyss of Wemyss, 1554.

2. David Wemyss of Wemyss, 1542.
4. Sir John Wemyss of Wemyss, 1598.

No. 1.

No. 2.

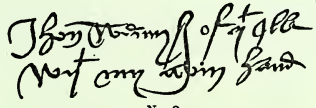
No. 3.

No. 4.

1. Signet of David, second Earl of Wemyss, 1679.
2. and 3. Sir John Wemyss, afterwards first Earl of Wemyss, 1616, 1628. 4. David, third Earl of Wemyss, 1717.

SIGNATURES OF THE FAMILY OF WEMYSS.

No. 1.



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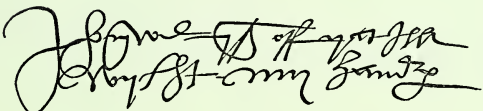

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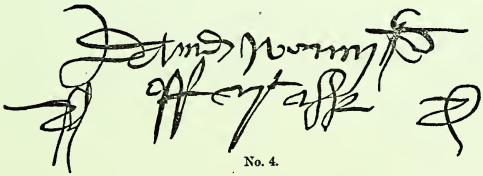
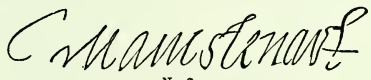


No. 4.

No. 5.

1. David Wemyss of Wemyss, 1521.
2. John Wemyss of Wemyss, 1544.
3. John Wemyss of Wemyss, 1554.
4. David Wemyss of Wemyss, 1594.
5. Cecilia Ruthven, Lady Wemyss, 1587.

No. 1.



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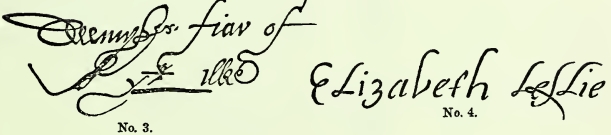

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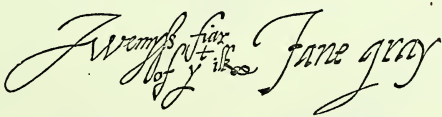

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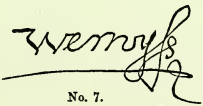
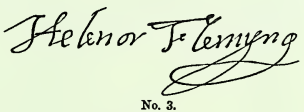


No. 7.

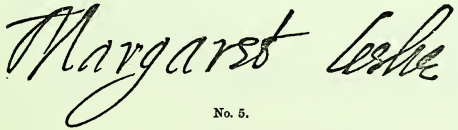
1. Sir John Wemyss of Wemyss, *c.* 1604.
2. Mary Stewart, his wife, 1612.
3. David Wemyss, fiar of that ilk, 1608.
4. Elizabeth Leslie, his wife, 1608.
5. and 7. John Wemyss, first Earl of Wemyss, 1612 and *c.* 1642.
6. Jane Gray, his countess, 1612.

No. 1. No. 2.



No. 3.

No. 4.



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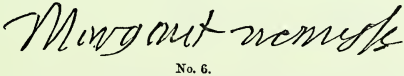
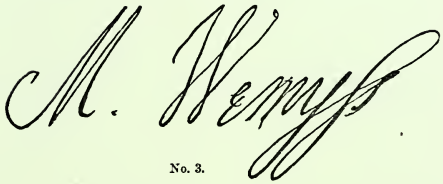


No. 6.

1. and 4. David, second Earl of Wemyss, Lord Elcho, 1644 and 1660.
2. Hon. Anna Balfour, Lady Elcho, his first wife, 1649.
3. Helenor Fleming, his second wife, 1651.
5. and 6. Lady Margaret Leslie, his third wife, 1670 and 1667.

No. 1.

No. 2.



No. 3.

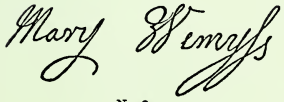
No. 4.

No. 5.

1. Lady Jean Wemyss, Countess of Angus and Sutherland, 1672.
2. Archibald, Earl of Angus, her first husband, 1654.
3. Margaret, Countess of Wemyss, 1692.
4. Margaret, Countess of Wemyss and Viscountess Tarbat, *c.* 1700.
5. James, Lord Burntisland, her first husband, 1673.

No. 1.

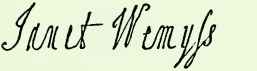
No. 2.



No. 3.

No. 4.

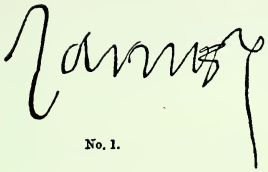
No. 5.



No. 6.

No. 7. No. 8.

1. and 2. David, third Earl of Wemyss, Lord Elcho, 1695 and 1708.
3. Mary Robinson, his second wife, 1709.
4. Elizabeth St. Clair, his third wife, 1716.
5. James, fourth Earl of Wemyss, 1746.
6. Janet Charteris, his countess, 1728.
7. Hon. James Wemyss of Wemyss, 1766.
8. Lady Elizabeth Sutherland, his wife, 1756.



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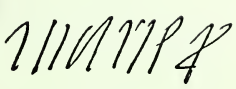

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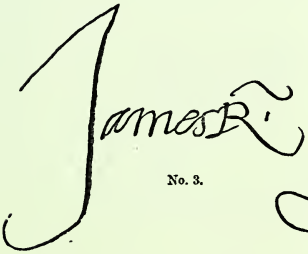


No. 3.

No. 4.

No. 5.

No. 6.

1. King James the Fifth, 1534.
2. Mary of Lorraine, his Queen, *c.* 1555.
3. King James the Sixth, 1581.
4. Anna of Denmark, his Queen, 1603.
5. King Charles the First, 1626.
6. King Charles the Second, 1662.

No. 1.

No. 2.

No. 3.

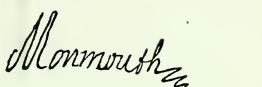
No. 4.

No. 5.

No. 6.

1. James, Earl of Arran, Governor, 1547.
2. Matthew, Earl of Lennox, Regent, 1570.
3. John, Earl of Mar, Regent, 1571.
4. James, Earl of Morton, Regent, 1573.
5. and 6. William, first Earl of Gowrie, Lord Ruthven, 1581, 1583.

No. 1.



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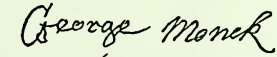

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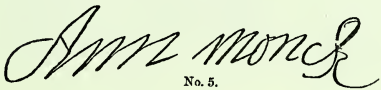

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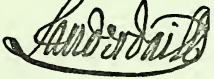
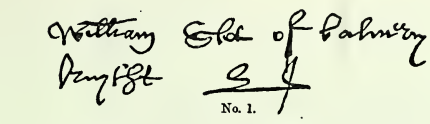


No. 6.

No. 7.

1. and 2. James, Duke of Monmouth, 1663, 1677.
3. Anna, Duchess of Buccleuch and Monmouth, 1678.
4. George Monck, Duke of Albemarle, 1661.
5. Ann Monck, his wife, 1662.
6. John, Earl of Lauderdale, 1664.
7. John, Earl of Sutherland, 1644.



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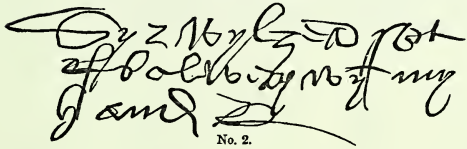

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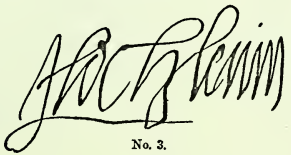
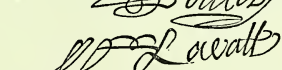


No. 3.

No. 4.



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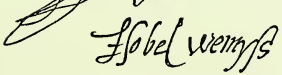
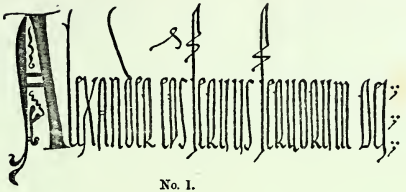


No. 6.

1. Sir William Scott of Balwearie, *c.* 1525.
2. Sir William Scott of Balwearie, 1569.
3. Sir William Douglas of Lochleven, 1573.
4. Simon Fraser, Lord Lovat, 1614.
5. Hew, Master of Lovat, 1614.
6. Isobel Wemyss, his wife, 1614.



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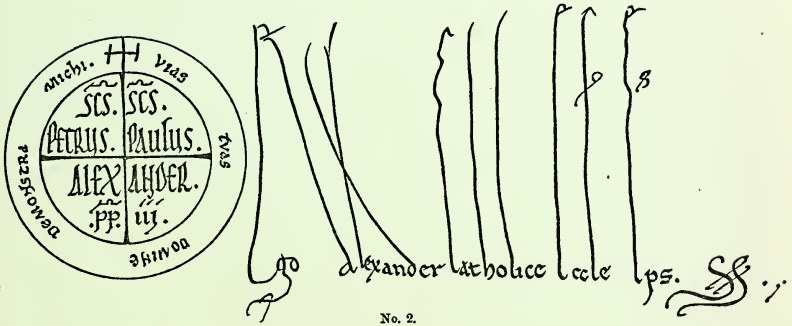

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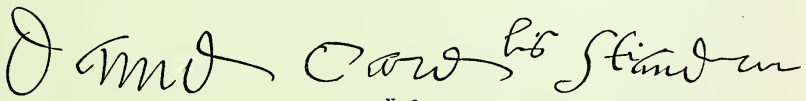

No. 3.

1. Initial Words of Bull by Pope Alexander III., 1163.
2. Sign and Subscription of Pope Alexander III., 1163.
3. David Beaton, Cardinal, Archbishop of St. Andrews, 1542.

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